

accounting of sales of citrus fruit grown in the State of Texas; defining terms as used herein; providing for bond and license for citrus fruit dealers; prescribing and fixing duties and powers of the Commissioner of Agriculture with reference to the Act and its operation and enforcement; defining offenses and prescribing penalties for the violation of this Act; providing for the appointment of a director and examiner; fixing salaries and other regulations; providing the terms of this Act shall apply only to those entering into, or doing business in the Texas Citrus Zone, as defined in Section 1, of House Bill No. 553, Chapter 350, General Laws of Texas, Regular Session, 1931; providing a saving clause, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 22, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 169, "An Act making appropriation to pay the Presidential Electors of Texas; providing how it shall be made, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 22, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 571, "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey, assign and/or transfer all right, title, and interest of whatsoever class, kind or character, directly or indirectly belonging to the State of Texas, in and to that tract of land known as the Lampasas State Park, situated in Lampasas County, Texas, said land to be conveyed to the City of Lampasas, Texas, which said tract of land was heretofore donated to the State of Texas for park purposes by the citizenship of Lampasas, Texas, but no improvement made thereon by the State of Texas; and reciting a

failure of consideration, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 1125, "An Act making an appropriation of the sum of One Hundred and Fifty Thousand (\$150,000.00) Dollars or so much thereof as may be necessary, out of any funds in the State Treasury, not otherwise appropriated, to pay the contingent expenses, and to pay the mileage and per diem of Members and the per diem of officers and employees of the Regular Session of the Forty-fifth Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

#### FIFTH-NINTH DAY

(Monday, April 26, 1937)

The House met at 9:50 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker  
Adkins  
Alexander  
Alsup  
Amos  
Baker  
Bates  
Beckworth  
Bell  
Blankenship  
Boethel  
Bond  
Boyer  
Bradbury  
Bradford  
Bridgers  
Broadfoot  
Brown  
Burton  
Cagle  
Callan  
Carssow  
Cathey

Cauthorn  
Celaya  
Cleveland  
Colquitt  
Davis of Haskell  
Davis of Jasper  
Davison of Fisher  
Davison  
of Eastland  
Dean  
Deglandon  
Derden  
Dickison  
Dollins  
England  
Farmer  
Felty  
Fielden  
Fox  
Fuchs  
Gibson  
Graves  
Hamilton

Hankamer	Morris
Hanna	Morse
Harbin	Newton
Harper	Nicholson
Harrell	Oliver
Harris of Archer	Palmer
Harris of Dallas	Patterson of Mills
Harris of Dickens	Patterson
Hartzog	of Travis
Heflin	Petsch
Herzik	Powell
Holland	Prescott
Hoskins	Quinn
Huddleston	Ragsdale
Hull	Reader
Hyder	Reed of Bowie
Jackson	Reed of Dallas
James	Rhodes
Johnson of Ellis	Riddle
Johnson	Roark
of Tarrant	Ross
Jones of Angelina	Russell
Jones of Atascosa	Rutta
Jones of Falls	Schuenemann
Jones of Wise	Settle
Keefe	Sewell
Keith	Sharpe
Kelt	Shell
Kenyon	Simpson
Kern	Skaggs
King	Smith of Hopkins
Langdon	Smith
Lankford	of Matagorda
Lanning	Smith of Tarrant
Leath	Stevenson
Leonard	Stinson
Leyendecker	Stocks
Little	Talbert
Loggins	Tarwater
London	Tennant
Lucas	Tennyson
Mann	Thornberry
Mauritz	Thornton
Mays	Vale
McConnell	Waggoner
McCracken	Walker
McDonald	Weldon
McFarland	Westbrook
McKee	Winfree
McKinney	Wood
Metcalfe	Worley
Moffett	Hardin
McKhouse	

## Absent-Excused

Howard	Pope
Knetsch	

A quorum was announced present.  
Prayer was offered by Rev. George  
W. Coltrin.

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Knetsch for today, on motion of Mr. Hankamer.

Mr. Howard for today, on motion of Mr. Morse.

The following Members were granted leaves of absence on account of illness:

Mr. Callan temporarily for today, on motion of Mr. Sharpe.

Mr. Pope for today, on motion of Mr. Celaya.

## HOUSE BILL ON FIRST READING

The following House bill, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Lankford:

H. B. No. 1135, A bill to be entitled "An Act declaring it unlawful to take any fish from the waters of Hunt and Rains Counties, Texas, other than by ordinary hook line, set line or throw line, or by ordinary cordline, seine or net, the meshes of which are less than one and one-half inches square; provided that any such seine or net may be used during the period from March 1st through September 30th of each year; fixing a penalty and declaring an emergency."

Referred to the Committee on Game and Fisheries.

Mr. Hardin moved to introduce, at this time, and have placed on first reading, House Bill No. 1136.

The motion prevailed by the following vote:

Yeas—122

Adkins	Carsow
Alexander	Cathey
Alsup	Cauthorn
Amos	Celaya
Baker	Cleveland
Bates	Colquitt
Beckworth	Davis of Haskell
Bell	Davis of Jasper
Blankenship	Davison of Fisher
Boethel	Deglandon
Boyer	Derden
Bradbury	Dickison
Bradford	England
Bridgers	Farmer
Broadfoot	Fielden
Brown	Fox
Burton	Gibson

Graves	McCracken
Hamilton	McDonald
Hankamer	McFarland
Hanna	McKee
Harbin	Moffett
Hardin	Monkhouse
Harper	Morris
Harrell	Nicholson
Harris of Dallas	Oliver
Harris of Dickens	Palmer
Hartzog	Patterson of Mills
Heflin	Prescott
Herzik	Quinn
Holland	Ragsdale
Hoskins	Reader
Huddleston	Reed of Bowie
Hull	Reed of Dallas
Hyder	Roark
Jackson	Ross
James	Russell
Johnson of Ellis	Rutta
Johnson	Settle
of Tarrant	Sewell
Jones of Angelina	Sharpe
Jones of Atascosa	Simpson
Jones of Falls	Skaggs
Jones of Wise	Smith of Hopkins
Keefe	Smith
Keith	of Matagorda
Kelt	Stevenson
Kern	Stinson
King	Stocks
Langdon	Talbert
Lankford	Tarwater
Lanning	Tennant
Leath	Tennyson
Leonard	Thornberry
Leyendecker	Thornton
Little	Vale
Loggins	Waggoner
London	Walker
Lucas	Weldon
Mauritz	Winfree
Mays	Wood
McConnell	Worley

## Absent

Bond	Metcalf
Cagle	Morse
Callan	Newton
Davisson	Patterson
of Eastland	of Travis
Dean	Petsch
Dollins	Powell
Felty	Rhodes
Fuchs	Riddle
Harris of Archer	Schuenemann
Kenyon	Shell
Mann	Smith of Tarrant
McKinney	Westbrook

## Absent—Excused

Howard	Pope
Knetsch	

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Hardin (by request):

H. B. No. 1136, A bill to be entitled "An Act providing that Limestone County, Texas, may fund or refund the indebtedness outstanding against its Permanent Improvement Fund as of May 1st, 1937; setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; . . . etc., and declaring an emergency."

Referred to the Committee on State Affairs.

## BILL ORDERED NOT PRINTED

On motion of Mr. Lankford, House Bill No. 1018 was ordered not printed.

## GRANTING PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, Senate Concurrent Resolution No. 47, Granting J. W. Lindley and wife permission to sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

Question recurring on the resolution, it was adopted.

## PROVIDING FOR NIGHT SESSION FOR THE CONSIDERATION OF HOUSE BILL NO. 581

Mr. Davis of Haskell offered the following resolution:

Whereas, House Bill No. 581 is not yet disposed of; therefore, be it

Resolved by the House of Representatives, That next Thursday evening be set aside for the consideration of said bill.

The resolution was read second time, and was adopted by the following vote:

Yeas—98

Adkins	Boethel
Alexander	Boyer
Alsup	Bradbury
Amos	Burton
Baker	Cauthorn
Beckworth	Cleveland
Bell	Colquitt

Davis of Haskell	McConnell
Davis of Jasper	McCracken
Dickison	McDonald
Dollins	McFarland
England	McKee
Felty	Metcalfe
Fielden	Monkhouse
Fuchs	Morris
Gibson	Morse
Graves	Oliver
Hamilton	Palmer
Hanna	Patterson of Mills
Harbin	Patterson
Harper	of Travis
Harrell	Powell
Harris of Archer	Prescott
Harris of Dallas	Quinn
Hartzog	Reed of Bowie
Herzik	Reed of Dallas
Holland	Rhodes
Hoskins	Riddle
Huddleston	Roark
Hull	Russell
Hyder	Rutta
Jackson	Schuenemann
Johnson	Settle
of Tarrant	Sewell
Jones of Angelina	Sharpe
Jones of Atascosa	Simpson
Jones of Falls	Smith
Keith	of Matagorda
Kelt	Smith of Tarrant
Kenyon	Stocks
King	Talbert
Langdon	Tarwater
Lankford	Tennyson
Lanning	Thornberry
Leath	Thornton
Leyendecker	Vale
Little	Waggoner
London	Walker
Lucas	Weldon
Mann	Worley
Mauritz	

## Nays—15

Bates	Kern
Blankenship	Mays
Deglandon	Moffett
Farmer	Nicholson
Hankamer	Smith of Hopkins
Hardin	Tennant
Harris of Dickens	Wood
Jones of Wise	

## Present—Not Voting

James	Johnson of Ellis
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## Absent

Bond	Cagle
Bradford	Callan
Bridgers	Carssow
Broadfoot	Cathey
Brown	Celaya

Davison of Fisher	Newton
Davisson	Petsch
of Eastland	Ragsdale
Dean	Reader
Derden	Ross
Fox	Shell
Heflin	Skaggs
Keefe	Stevenson
Leonard	Stinson
Loggins	Westbrook
McKinney	Winfree

## Absent—Excused

Howard	Pope
Knetsch	

Mr. Davis of Haskell moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

## MESSAGE FROM THE SENATE

Austin, Texas, April 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 58, Granting O. L. Parish, Judge of the 119th Judicial District, permission to be absent from the State at various times.

S. B. No. 276, A bill to be entitled "An Act granting aid to San Jacinto, Polk, Trinity, Houston, and Walker Counties, Texas, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

## NAMING MILTON FUCHS AS MASCOT OF THE HOUSE

Mr. McKee offered the following resolution:

Whereas, There have been several Mascots named for the Forty-fifth Legislature; and

Whereas, Our esteemed fellow Member, Honorable R. A. Fuchs of Washington County, who is now serving his sixth term and who has never had a member of his family designated as a Mascot of this Body; therefore, be it

Resolved, That Milton Fuchs, son of our esteemed Member, R. A. Fuchs, shall be and is hereby named a Mascot of the Forty-fifth Legislature and the committee in charge of pictures is hereby authorized to place the photo-

graph of young Milton along with the pictures of the other Mascots.

The resolution was read second time, and was adopted.

#### HOUSE BILL NO. 5 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as an unfinished special order, on its passage to engrossment,

H. B. No. 5, A bill to be entitled "An Act defining the term 'open saloon'; regulating the manufacture, sale, importation, transportation and possession of alcoholic liquors; prescribing rules and regulations and the right of local option; providing for a system of permits; levying taxes; prescribing penalties for violations; repealing conflicting laws and parts of laws, and declaring an emergency."

The bill having been read second time on Monday, April 19, with committee amendment offered by Mr. Moffett, and amendment by Mr. Gibson to the committee amendment, pending.

Mr. Petsch moved to table the amendment by Mr. Gibson.

The motion to table prevailed.

Mr. Smith of Matagorda offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 5, page 10, line 19, by adding after the fourth word "any", the word "mayor".

The amendment was adopted.

Mr. Tarwater offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 5, Subsection (18), page 23, line eight, by striking out the words "one quart" and insert in lieu thereof the words "one pint".

TARWATER,  
LANNING.

The amendment was adopted.

Mr. Harrell offered the following amendment to the committee amendment:

Amend Subdivision 18 of Section 16 of committee amendment for House Bill 5, by adding at the end thereof the following:

"It shall be unlawful for any pharmacist or drug store holding medicinal permit to have on hand or in his pos-

session at any one time more than nine (9) gallons of liquor."

HARRELL,  
HARRIS of Dickens.

Mr. Blankenship moved to table the amendment by Mr. Harrell.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

#### Yeas—52

Alexander	Kenyon
Alsup	Leath
Baker	Leonard
Bell	Leyendecker
Blankenship	Little
Bradford	Mann
Broadfoot	McCracken
Carssow	McFarland
Celaya	Morse
Colquitt	Reader
Dickison	Reed of Dallas
Felty	Roark
Fielden	Schuenemann
Fuchs	Settle
Gibson	Shell
Hanna	Simpson
Hardin	Smith of Tarrant
Harris of Dallas	Talbert
Herzik	Tennant
Hoskins	Tennyson
Huddleston	Thornton
Hyder	Vale
James	Waggoner
Johnson	Walker
of Tarrant	Winfree
Jones of Falls	Wood
Keith	

#### Nays—82

Adkins	Hamilton
Amos	Harbin
Bates	Harper
Beckworth	Harrell
Boethel	Harris of Archer
Boyer	Harris of Dickens
Bradbury	Heflin
Bridgers	Holland
Brown	Hull
Burton	Jackson
Cagle	Johnson of Ellis
Cathey	Jones of Angelina
Cauthorn	Jones of Atascosa
Cleveland	Jones of Wise
Davis of Haskell	Keefe
Davis of Jasper	Kelt
Davison of Fisher	Kern
Deglandon	King
Derden	Langdon
Dollins	Lankford
England	Lanning
Farmer	Loggins
Graves	London

Lucas	Ragsdale
Mauritz	Reed of Bowie
Mays	Rhodes
McConnell	Riddle
McDonald	Ross
McKinney	Russell
Metcalfe	Rutta
Moffett	Sewell
Monkhouse	Sharpe
Morris	Skaggs
Nicholson	Smith of Hopkins
Oliver	Smith
Palmer	of Matagorda
Patterson of Mills	Stocks
Patterson	Tarwater
of Travis	Thornberry
Petsch	Weldon
Powell	Westbrook
Prescott	Worley

## Absent

Bond	Hartzog
Callan	McKee
Davisson	Newton
of Eastland	Quinn
Dean	Stevenson
Fox	Stinson
Hankamer	

## Absent—Excused

Howard	Pope
Knetsch	

Question recurring on the amendment by Mr. Harrell, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas—86

Adkins	England
Alexander	Farmer
Amos	Graves
Baker	Hamilton
Beckworth	Harper
Boethel	Harrell
Boyer	Harris of Archer
Bradbury	Harris of Dickens
Bridgers	Heflin
Broadfoot	Holland
Brown	Huddleston
Burton	Hull
Cagle	Jackson
Cathey	Johnson of Ellis
Cauthorn	Jones of Angelina
Cleveland	Jones of Atascosa
Davis of Haskell	Jones of Falls
Davis of Jasper	Jones of Wise
Davison of Fisher	Kelt
Davisson	Kern
of Eastland	King
Deglandon	Langdon
Derden	Lankford
Dollins	Lanning

Loggins	Reed of Bowie
London	Rhodes
Lucas	Riddle
Mauritz	Ross
Mays	Russell
McConnell	Rutta
McDonald	Sewell
McKinney	Sharpe
Metcalfe	Shell
Moffett	Skaggs
Monkhouse	Smith of Hopkins
Morris	Smith
Nicholson	of Matagorda
Oliver	Stocks
Palmer	Tarwater
Patterson of Mills	Thornberry
Patterson	Waggoner
of Travis	Weldon
Powell	Westbrook
Prescott	Worley
Ragsdale	

## Nays—43

Alsup	Kenyon
Bell	Leath
Blankenship	Leyendecker
Bradford	Little
Carssow	Mann
Celaya	McCracken
Colquitt	McFarland
Dickison	Morse
Felty	Reader
Fielden	Reed of Dallas
Fuchs	Roark
Gibson	Settle
Hanna	Simpson
Harbin	Smith of Tarrant
Hardin	Talbert
Harris of Dallas	Tennant
Herzik	Tennyson
Hoskins	Thornton
Hyder	Vale
Johnson	Walker
of Tarrant	Winfree
Keith	Wood

## Absent

Bates	Leonard
Bond	McKee
Callan	Newton
Dean	Petsch
Fox	Quinn
Hankamer	Schuenemann
Hartzog	Stevenson
James	Stinson
Keefe	

## Absent—Excused

Howard	Pope
Knetsch	

Mr. Morris moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Mr. Harrell offered the following amendment to the committee amendment:

Amend Subdivision 18 of Section 16 of committee amendment for House Bill 5, by adding at the end thereof the following:

"It shall be unlawful for any pharmacist, owner or operator of a drug store holding a medicinal permit to employ or compensate in any manner any physician in this State for writing a prescription for medicinal liquor."

HARRELL,  
HARRIS of Dickens.

The amendment was adopted.

Mr. Wood offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 5, page 29, by striking out all after the word "Act" down to and including the word "Board" in lines 26 and 27 of Section 19.

Mr. Metcalfe moved the previous question on the pending amendments, and the passage of the bill to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Petsch moved to table the amendment by Mr. Wood.

The motion to table prevailed.

Mr. Morris offered the following amendment to the committee amendment:

Amend Subsection 18 of Section 15, committee amendment to House Bill No. 5, by adding at the end of line 20, page 23, the following:

"It is further provided that no medicinal permit shall be granted to any retail pharmacy in which there is maintained a physician's office; provided said physician is the holder of a medicinal permit; and provided further that the terms of this provision shall not affect the status of retail pharmacies and doctors offices at the time this Act becomes effective."

MORRIS,  
DAVISON of Fisher.

Mr. Wood moved to table the amendment by Mr. Morris.

The motion to table prevailed.

Mr. Sharpe offered the following

amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 5, by striking out all of line 21 and part of line 22, ending with the words and figures "Fifty (\$50.00) Dollars" on page 23, and add in lieu thereof the following:

"In no event shall a permit be issued to a drug store in a dry area, unless an election is called and held for the purpose of determining whether or not liquor can be sold in dry areas upon a prescription of a regular licensed physician."

Also amend committee amendment No. 1 to House Bill No. 5, beginning on line 37, page 23, by striking out all of lines 37, 38, 39 and 40, and lines 2 and 3 on page 24, ending with the word, "Act".

Mr. Gibson raised a point of order, on consideration of the amendment, on the ground that the amendment violates Article XVI of Section 20 of the Constitution.

The Speaker declined to rule on the point of order.

Mr. Harris of Dickens moved to table the amendment by Mr. Sharpe.

The motion to table prevailed.

Mr. Thornton offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 5, by striking out the third sentence in Sec. 7 (B) of Section 8 on page 7.

Mr. Jones of Atascosa moved to table the amendment by Mr. Thornton.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—101

Adkins	Burton
Alexander	Cagle
Alsup	Cathey
Amos	Cauthorn
Baker	Cleveland
Bates	Davis of Haskell
Beckworth	Davis of Jasper
Bell	Davison of Fisher
Blankenship	Davison
Boethel	of Eastland
Bond	Deglandon
Bradbury	Derden
Broadfoot	England
Brown	Fielden

Fox	Metcalf
Fuchs	Moffett
Gibson	Morris
Graves	Morse
Hamilton	Nicholson
Hanna	Oliver
Harbin	Palmer
Harper	Patterson of Mills
Harrell	Patterson
Harris of Archer	of Travis
Harris of Dickens	Petsch
Herzik	Prescott
Holland	Quinn
Hoskins	Ragsdale
Huddleston	Reed of Bowie
Hyder	Rhodes
Johnson of Ellis	Riddle
Jones of Angelina	Roark
Jones of Atascosa	Ross
Jones of Falls	Russell
Jones of Wise	Rutta
Keefe	Settle
Kelt	Sewell
Kern	Sharpe
King	Skaggs
Langdon	Smith of Hopkins
Lankford	Smith
Lanning	of Matagorda
Leath	Stocks
Loggins	Talbert
London	Tarwater
Lucas	Tennant
Mann	Tennyson
Mauritz	Thornberry
Mays	Waggoner
McConnell	Weldon
McDonald	Westbrook
McKee	Winfree

## Nays—37

Boyer	Leonard
Bradford	Leyendecker
Bridgers	Little
Celaya	McCracken
Colquitt	McKinney
Dickison	Monkhouse
Dollins	Powell
Felty	Reader
Hankamer	Reed of Dallas
Hardin	Schuenemann
Harris of Dallas	Shell
Hartzog	Simpson
Heflin	Smith of Tarrant
Hull	Stinson
Jackson	Thornton
Johnson	Vale
of Tarrant	Walker
Keith	Wood
Kenyon	Worley

## Absent

Callan	James
Carssow	McFarland
Dean	Newton
Farmer	Stevenson

## Absent—Excused

Howard	Pope
Knetsch	

Question—Shall the committee amendment be adopted?

### EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read the following communications:

Bryan, Texas, April 25, 1937.

Mrs. Louise Snow, Chief Clerk  
House of Representatives  
Austin, Texas

Dear Mrs. Phinney:

I should like for you to express my gratitude and appreciation to the Members of the House for their words of kindness and thoughtfulness in passing the resolution in memory of my late uncle, W. M. McDonald, and I also want to thank you in behalf of the other members of my family.

Sincerely yours,

W. T. McDONALD,  
MR. AND MRS. J. T.  
McDONALD,  
MRS. W. M. McDONALD,  
MR. AND MRS. REED  
McDONALD.

Your kind expression of sympathy is deeply appreciated and gratefully acknowledged.

MRS. W. E. ADAMS  
AND FAMILY.

### GRANTING DISTRICT JUDGE PERMISSION TO LEAVE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 58, Granting Judge O. L. Parish permission to be absent from the State.

Whereas, The Honorable O. L. Parish, Judge of the 119th Judicial District of Texas, is desirous of leaving the State sometime during the years 1937 and 1938, for the purpose of attending to personal business and for taking annual vacation; therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the said Honorable O. L. Parish, Judge of the 119th Judicial District of Texas, the



counties composing said district being Coleman, Runnels, Concho and Tom Green, be and he is hereby granted permission to be absent from the State of Texas at such intervals and for such time as he may see fit and proper during the years 1937 and 1938, taking into consideration the condition of the docket of said court; provided that such absence from the State of Texas will not be for more than four weeks during any one year.

The resolution was read second time, and was adopted.

#### EXPRESSING APPRECIATION OF THE HOUSE

Mr. Dean offered the following resolution:

Whereas, On last week the Members of the Fiesta Association, the City Officials of San Antonio, and the Bexar County delegation of the House of Representatives invited the Membership of the House to attend the Battle of Flowers; and

Whereas, Many of the Members of the House did attend the Battle of Flowers; and

Whereas, The Battle of Flowers was one of the most beautiful and spectacular events of the year and was highly educational; therefore, be it

Resolved, That the Membership of this House express their appreciation to the above named parties for the opportunity of attending and the hospitalities shown to the Members of the House of Representatives.

DEAN,  
HULL.

The resolution was read second time, and was adopted.

#### PROVIDING FOR THE CONSIDERATION OF LOCAL BILLS

Mr. Mauritz moved that the House convene in night session on Tuesday, April 27, at 7:30 o'clock p. m., for the purpose of considering, at that time, local and uncontested bills.

The motion prevailed by the following vote:

Yeas—113

Adkins	Boyer
Alexander	Bradbury
Amos	Brown
Bates	Burton
Beckworth	Cathey
Bell	Cauthorn
Boethel	Cleveland
Bond	Colquitt

Davis of Haskell	London
Davis of Jasper	Lucas
Davisson	Mann
of Eastland	Mauritz
Deglandon	Mays
Derden	McConnell
Dickison	McKee
Dollins	Moffett
England	Monkhouse
Farmer	Morris
Felty	Morse
Fielden	Nicholson
Fox	Patmer
Fuchs	Patterson
Gibson	of Travis
Graves	Petsch
Hamilton	Powell
Hankamer	Prescott
Hanna	Quinn
Hardin	Ragsdale
Harper	Reed of Bowie
Harrell	Reed of Dallas
Harris of Archer	Rhodes
Harris of Dallas	Riddle
Harris of Dickens	Roark
Heflin	Ross
Holland	Russell
Huddleston	Rutta
Hull	Settle
Hyder	Sewell
Jackson	Sharpe
James	Shell
Johnson of Ellis	Skaggs
Johnson	Smith of Hopkins
of Tarrant	Smith
Jones of Angelina	of Matagorda
Jones of Atascosa	Smith of Tarrant
Jones of Falls	Stinson
Jones of Wise	Stocks
Keith	Talbert
Kelt	Tarwater
Kenyon	Tennant
Kern	Tennyson
King	Thornberry
Langdon	Thornton
Lankford	Walker
Lanning	Weldon
Leath	Winfree
Leyendecker	Wood
Little	Worley
Loggins	

Nays—2

Keefe

McDonald

Absent

Alsup	Celaya
Baker	Davison of Fisher
Blankenship	Dean
Bradford	Harbin
Bridgers	Hartzog
Broadfoot	Herzik
Cagle	Hoskins
Callan	Leonard
Carssow	McCracken

McFarland	Schuenemann
McKinney	Simpson
Metcalfe	Stevenson
Newton	Vale
Oliver	Waggoner
Patterson of Mills	Westbrook
Reader	

Absent—Excused

Howard	Pope
Knetsch	

#### EXTENDING INVITATION TO THE HONORABLE FRANKLIN DELANO ROOSEVELT

Mr. Roark offered the following resolution:

H. C. R. No. 104, Inviting the Hon. Franklin Delano Roosevelt to address the Legislature.

Whereas, His Excellency, the Honorable Franklin Delano Roosevelt, President of the United States, will be within the State of Texas during the week of May 2, 1937; and

Whereas, It is a great privilege for Texas to be honored by the presence of our distinguished President; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Honorable Franklin Delano Roosevelt be invited to address a Joint Session of the Legislature on a date and time suitable to his convenience.

The resolution was read second time.

Signed—Calvert, Speaker; Adkins, Alexander, Alsup, Amos, Baker, Bates, Beckworth, Bell, Blankenship, Boethel, Bond, Boyer, Bradbury, Bradford, Bridgers, Broadfoot, Brown, Burton, Cagle, Callan, Carssow, Cathey, Cauthorn, Celaya, Cleveland, Colquitt, Davis of Haskell, Davis of Jasper, Davison of Fisher, Davisson of Eastland, Dean, Deglandon, Derden, Dickson, Dollins, England, Farmer, Felty, Fielden, Fox, Fuchs, Gibson, Graves, Hamilton, Hankamer, Hanna, Harbin, Hardin, Harper, Harrell, Harris of Archer, Harris of Dallas, Harris of Dickens, Hartzog, Heflin, Herzik, Holland, Hoskins, Howard, Huddleston, Hull, Hyder, Jackson, James, Johnson of Ellis, Johnson of Tarrant, Jones of Angelina, Jones of Atascosa, Jones of Falls, Jones of Wise, Keefe, Keith, Kelt, Kenyon, Kern, King, Knetsch, Langdon, Lankford, Lanning, Leath, Leonard, Leyendecker, Little, Loggins, London, Lucas, Mann, Mauritz, Mays, McConnell, McCracken, McDonald, McFarland, McKee, McKinney, Metcalfe,

Moffett, Monkhouse, Morris, Morse, Newton, Nicholson, Oliver, Palmer, Patterson of Mills, Patterson of Travis, Petsch, Pope, Powell, Prescott, Quinn, Ragsdale, Reader, Reed of Bowie, Reed of Dallas, Rhodes, Riddle, Ross, Russell, Rutta, Schuenemann, Settle, Sewell, Sharpe, Shell, Simpson, Skaggs, Smith of Hopkins, Smith of Matagorda, Smith of Tarrant, Stevenson, Stinson, Stocks, Talbert, Tarwater, Tennant, Tennyson, Thornberry, Thornton, Vale, Waggoner, Walker, Weldon, Westbrook, Winfree, Wood and Worley.

On the motion of Mr. Bradbury, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

#### REPORT OF COMMITTEE TO INVESTIGATE STATE REFORMATORY INSTITUTIONS

Mr. Harrell, Chairman of the Committee heretofore appointed to make certain investigation of the State Reformatory and Eleemosynary Institutions, submitted the following report:

Honorable Robert W. Calvert, Speaker, House of Representatives, Forty-fifth Legislature, Austin, Texas.

Sir: We, your Committee heretofore appointed to investigate the condition existing in the reformatory and training schools of Texas, beg to report that we have made an investigation of the training school for boys located at Gatesville, Texas, and have found the following conditions to exist:

1. We find that the school is filled to its capacity, and that there is an over crowded condition existing and that they do not have proper facilities to care for the number of inmates which they now have.

2. We found that in the school building there was a serious need of some additional equipment, in that they have no toilet rooms within the building at all, no drinking fountains available and the only place where the boys could obtain water at all was from one hydrant, placed over a wash basin, and we found it to be in an unclean and unsanitary condition. We found that these existing conditions are virtually a disgrace, in that such are permitted to continue.

3. We found that a very small effort is given to the recreation program of the boys on the ground. There was no evidence of any athletic equipment. During the recess period we observed that the boys entertained themselves by gathering about in small huddles on the yard carrying on conversations in an undertone, and generally milling about. There was evidence to your Committee a great need for forms of recreation and physical instructions.

4. We found that many boys are being sent to this training school which should not be confined in this institution, but should have been sent to an orphans home or to our school for dependent and neglected children. We interviewed a number of boys who had been confined to this institution because of the fact that they were orphans without a home and by virtue of that fact they had become waifs upon the streets and had been declared a delinquent, when as a matter of fact they were merely dependent children and should have been consigned to an institution provided for children of their type. We also found a number of boys confined in this institution whose parents had separated and whose father or mother had remarried again and the conditions in their home had driven them into the streets, resulting in these boys being declared as delinquent, when in reality they had committed no offense and are at this time of good character and have no place in a reformatory, but should have been placed in a school for dependent and neglected children where their environment would be of a better nature. Placing boys of this type in the reformatory at Gatesville is the best method for the development of criminals.

Many of these boys range from ten years of age to twelve years of age. There are some there that are only nine years of age. They are caused to associate with other boys ranging in age from sixteen to twenty-two years of age, among whom are to be found boys with a hardened criminal record and with a hardened criminal mind. Your Committee found a deplorable condition existing in that these boys of young and tender years are forced to be confined in the same institution and upon the same ground with these boys who are incorrigible and have a definite criminal nature.

The boys in this institution are subject to the same harsh and strenuous rules and regulations as you would expect to find in controlling the hardest criminals in the penitentiary. There is unquestionably a need of a segregation of the personnel of the inmates of this institution.

Your Committee further found that a goodly portion of the inmates of this institution are boys of unsound mind and are mentally deficient to the extent that they are not capable of being taught any education or moral correction.

We find that boys of this type are being sent to this institution when in reality they should have been committed to our institutions for the feeble minded, located in Austin, Texas. Many of these boys are so mentally deficient that they do not know for what purpose they are confined at Gatesville; do not know where their people are and have no conception of right from wrong and do not derive any benefit from the incarceration in that institution.

We further found that the training school at Gatesville is not equipped to handle this type of boy. They do not seek to teach them any trade, and such a boy will come out of the institution at Gatesville at the age of 21 wholly unfit to care and provide for himself in this world, and will be a menace to society. We further found that there is an inadequate method of parole available to the boys who are committed to this institution. Once a boy is committed to that institution, his only hope of parole is by an order from the Court which sentenced him. We found a number of boys in this institution who are now serving in their fourth year, who were only sentenced to serve one or two years, and under the present system those boys can be retained in this institution until they have reached the age of 21 years. Once a County Judge has sentenced a boy, the boy is immediately forgotten. The County Judge may go out of office and be succeeded by another who knows nothing of his case and for that reason no recall or parole is extended. This condition has resulted in the boys committed to that institution being held in confinement so long until they have become depressed and demoralized and have lost all hope in the future. They feel that no one is interested in them, that they have not

a friend in the world, and that the world has completely forgotten them. Such a condition breeds within the minds of these boys a criminal attitude and a hatred toward society which completely defeats the purpose for which the institution was established.

We find that they now have confined in this institution 877, and out of this group more than 300 are negroes. Based upon our findings as we have listed above, your Committee makes the following recommendations:

1. We recommend that a new and separate unit be built and established for the negroes, in order that the quarters now used for the negroes at the Gatesville School may be used for the detention of the small boys of tender age, in order that these boys may be segregated from the older boys of a more hardened criminal nature.

2. We further recommend that the inmates of this institution who are orphans and who have been placed in this school for the purpose of giving them a home, rather than for their need of correction, be immediately removed from Gatesville and be transferred to the State Orphans Home where they will have better environment and better training.

3. We further recommend that the dependent and neglected boys who have been confined to this institution for a home rather than for their real need of correction be transferred immediately to the State Home for dependent and neglected children.

4. We further recommend that the boys of feeble mind be transferred from the school at Gatesville to the training school for the feeble minded located at Austin, and that such transfer be made immediately.

5. We further recommend that a thorough investigation be made in regard to each inmate now confined in this institution, in order that a definite determination may be made as to how many of the boys will come within the class of orphans, dependent and neglected, and the feeble minded classes.

6. We further recommend that if our present institutions for the feeble minded and for the neglected and dependent and orphaned children are not adequate to care for these additional children that steps be taken to provide such adequate facilities.

7. We further recommend that an adequate system of parole and pardon be instituted in behalf of the boys and girls who are committed to the reform schools of Texas.

8. We further recommend that laws be enacted revising the present system and procedure by which a boy or girl is tried and committed to a reform school, in that under the present system these boys and girls are being committed without an open trial without any records of the evidence against them, or being committed for such minor offenses, the equivalent of which a grown man may escape with a fine of \$1.00 and cost. Under the present system we find that the boys serving as much as three and four years for an offense which would be considered punishable with a light fine if the same were applied to a man in his majority.

9. We recommend that this Legislature enact laws to correct this evil.

10. We further recommend that the Board of Control send an expert to this school for the purpose of setting up and establishing a new and a better record system, in order that a more perfect record may be kept and maintained in regard to the boys who are committed to that institution.

Respectfully submitted,

HARRELL, Chairman,  
DERDEN.

RAGSDALE,  
Your Committee.

On motion of Mr. Harrell, the report was ordered printed in the Journal.

#### BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills and resolutions:

H. B. No. 91, "An Act amending Article 7005, Title 121, Revised Civil Statutes of the State of Texas, as amended by the Acts of 1931, Forty-second Legislature, Regular Session, page 852, Chapter 360, Section 1, exempting Willbarger County and others from the provision requiring the election of a hide and animal inspector, and other provisions of Chapter 7, Title 121, Revised Civil Statutes of 1925, State of Texas, and declaring an emergency."

S. B. No. 261, "An Act amending Section 14, Chapter 277, Acts of the Regular Session, Forty-second Legislature, 1931, as amended by the Forty-third Legislature, 1933, relating to motor carriers, and declaring an emergency."

S. B. No. 12, "An Act creating the Motor Transportation Division of the Railroad Commission, and declaring an emergency."

H. B. No. 452, "An Act to amend Articles 6111, 6113, 6116 and 6122, Revised Civil Statutes of 1925, so as to provide that a special partner may contribute property as capital to the common stock of partnership limited; and that such special partner shall be liable for the debts of said partnership to the value he places on said property contributed; and also providing that the partnership limited may use in its firm name the word, 'Company', or any other general term, or the name of a special partner provided such name is followed by the word, 'limited', and declaring an emergency."

S. C. R. No. 47, To grant J. W. Lindley and wife permission to sue the State.

S. C. R. No. 57, Authorizing the Enrolling Clerk of the House to make certain corrections in House Bill No. 452.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a conference committee to adjust the differences between the two Houses on House Bill No. 600.

The following have been appointed on the part of the Senate:

Senators Aikin, Moore, Redditt, Head and Cotten.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### SENATE BILL ON FIRST READING

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate Bill No. 276, to the Committee on State Affairs.

#### ADDITIONAL SIGNERS OF HOUSE BILL NO. 1134

By unanimous consent of the House, the following Members were authorized to sign bill, as co-authors of same, as follows:

Mr. Bell and Mr. Herzik, House Bill No. 1134.

#### RECESS

Mr. Mays moved that the House recess until 2:30 o'clock p. m., today.

Mr. Roark moved that the House recess until 2:00 o'clock p. m. today.

Question first recurring on the motion by Mr. Roark, it prevailed, and the House, accordingly, at 12:15 o'clock p. m., took recess until 2:00 o'clock p. m., today.

#### AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

#### BILLS ORDERED NOT PRINTED

(By unanimous consent)

On motion of Mr. Hardin, House Bill No. 1136 was ordered not printed.

On motion of Mr. Keith, Senate Bill No. 472 was ordered not printed.

#### MESSAGE FROM THE SENATE

Austin, Texas, April 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 584, A bill to be entitled "An Act authorizing the Commissioners Court in any county having a population of less than 35,000 inhabitants according to the last preceding Federal Census and having an assessed property valuation exceeding \$70,000,000.00 according to the approved tax rolls for the preceding year to allow each County Commissioner the sum of Fifty (\$50.00) Dollars per month for traveling expenses providing for the source of payment of such expenses and providing for filing of itemized accounts, and declaring an emergency."

Adopted the conference committee report on House Bill No. 600 by the following vote: Yeas, 30; nays, 0.

**Adopted**

H. C. R. No. 103, Instructing the Enrolling Clerk of the House to make certain corrections in House Bill No. 1007.

**Adopted**

S. C. R. No. 59, Granting permission to J. A. Thedford to sue the State.

Respectfully,

**BOB BARKER**

Secretary of the Senate.

**HOUSE BILL NO. 5 ON PASSAGE  
TO ENGROSSMENT**

The House resumed consideration of pending business, same being House Bill No. 5, concerning the sale, transportation, etc., of intoxicating liquors, on its passage to engrossment.

The bill having heretofore been read second time, with committee amendment offered by Mr. Moffett pending.

Mr. Thornton offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 5, Section 7B, page 7, by striking out the word "such" on line 14, page 7, and insert in lieu thereof the word "a", and by striking out the words "as may be required by the Board" and insert in lieu thereof the following: "In an amount not less than Twenty-five Hundred (\$2,500.00) Dollars and conditioned as bonds of other peace officers of this State".

**THORNTON,  
HARRIS of Dallas.**

Mr. Moffett moved to table the amendment by Mr. Thornton.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

**Yeas—65**

Adkins	Deglandon
Alsup	England
Baker	Felty
Bates	Fox
Beckworth	Graves
Blankenship	Hamilton
Boethel	Harbin
Broadfoot	Harper
Brown	Harrell
Cagle	Harris of Archer
Davis of Haskell	Harris of Dickens
Davis of Jasper	Hyder
Davison of Fisher	Johnson of Ellis
Davison	Jones of Angelina
of Eastland	Jones of Atascosa

**Jones of Wise**

Keefe  
Kelt  
Kern  
King  
Langdon  
Lanning  
Loggins  
London  
Lucas  
Mauritz  
McConnell  
Moffett  
Morse  
Nicholson  
Patterson of Mills  
Patterson  
of Travis  
Petsch

Prescott  
Ragsdale  
Reed of Dallas  
Russell  
Rutta  
Settle  
Sewell  
Smith of Hopkins  
Smith  
of Matagorda  
Stocks  
Tarwater  
Tennant  
Tennyson  
Thornberry  
Weldon  
Westbrook  
Winfree  
Worley

**Nays—52**

Amos  
Bell  
Boyer  
Bradbury  
Bradford  
Bridgers  
Burton  
Cauthorn  
Celaya  
Colquitt  
Dean  
Derden  
Dickison  
Fuchs  
Gibson  
Hankamer  
Hardin  
Harris of Dallas  
Hartzog  
Heflin  
Herzik  
Holland  
Hoskins  
Hull  
Jackson  
James

Johnson  
of Tarrant  
Kenyon  
Lankford  
Leonard  
Leyendecker  
Little  
Mann  
McCracken  
McKee  
Powell  
Reader  
Reed of Bowie  
Rhodes  
Riddle  
Roark  
Schuenemann  
Shell  
Simpson  
Skaggs  
Smith of Tarrant  
Stinson  
Talbert  
Thornton  
Vale  
Walker  
Wood

**Absent**

Alexander	McDonald
Bond	McFarland
Carssow	McKinney
Cathey	Metcalfe
Cleveland	Monkhouse
Dollins	Morris
Farmer	Newton
Fielden	Oliver
Hanna	Palmer
Huddleston	Quinn
Jones of Falls	Ross
Keith	Sharpe
Leath	Stevenson
Mays	Waggoner

## Absent—Excused

Callan  
HowardKnetsch  
Pope

Mr. Morris offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 5, page 23, Section 18, between lines 20 and 21, by adding the following:

"The issuing of a prescription, in any case where the person in whose behalf such prescription is issued is not in actual need of the liquor prescribed in order to protect such person's health or to assist him in the recovery of the sickness from which such person is then suffering, is hereby declared unlawful; and any physician convicted of unlawfully issuing a liquor prescription shall be punished by a fine of not less than Fifty (\$50.00) Dollars nor more than One Hundred (\$100.00) Dollars and shall be adjudged to forfeit the right to practice medicine in the State of Texas."

MORRIS,  
PETSCH.

Mr. Harris of Dallas moved to table the amendment by Mr. Morris.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

## Yeas—79

Alexander	Harbin
Alsup	Hardin
Amos	Harper
Baker	Harris of Archer
Bell	Harris of Dallas
Boyer	Hartzog
Bradford	Heflin
Burton	Holland
Cauthorn	Hoskins
Colquitt	Hull
Davis of Haskell	Hyder
Davis of Jasper	Jackson
Davison of Fisher	Johnson of Ellis
Davison	Johnson
of Eastland	of Tarrant
Derden	Keefe
Dickison	Keith
Dollins	Kenyon
Felty	Kern
Fox	Langdon
Fuchs	Leonard
Gibson	Leyendecker
Hankamer	Little
Hanna	Loggins

Lucas  
Mann  
McConnell  
McCracken  
McDonald  
McKee  
Moffett  
Morse  
Patterson  
of Travis  
Powell  
Quinn  
Reader  
Reed of Bowie  
Reed of Dallas  
Rhodes  
Riddle

Roark  
Schuenemann  
Sewell  
Simpson  
Skaggs  
Smith of Tarrant  
Stevenson  
Stinson  
Stocks  
Talbert  
Tennant  
Tennyson  
Thornton  
Vale  
Walker  
Westbrook  
Wood

## Nays—41

Adkins	Jones of Wise
Bates	King
Beckworth	Lankford
Blankenship	Lanning
Boethel	London
Bond	Mauritz
Bradbury	Metcalfe
Bridgers	Morris
Brown	Nicholson
Cagle	Patterson of Mills
Celaya	Petsch
Dean	Prescott
Deglandon	Ross
England	Russell
Fielden	Rutta
Graves	Smith of Hopkins
Hamilton	Tarwater
Harris of Dickens	Thornberry
Herzik	Weldon
James	Winfree
Jones of Angelina	

## Present—Not Voting

Kelt	Smith of Matagorda
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## Absent

Broadfoot	McKinney
Carssow	Monkhouse
Cathey	Newton
Cleveland	Oliver
Farmer	Palmer
Harrell	Ragsdale
Huddleston	Settle
Jones of Atascosa	Sharpe
Jones of Falls	Shell
Leath	Waggoner
Mays	Worley
McFarland	

## Absent—Excused

Callan	Knetsch
Howard	Pope

Mr. Amos offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 5, Section 15, paragraph 7, page 17, by striking out beginning with line 9 to line 25, inclusive, and add the following:

"The annual fee for a package store shall be \$150.00 per year. The annual fee for a package store to sell wine shall be \$10.00 per year."

On motion of Mr. Harris of Dallas, the amendment was tabled.

(Mr. Alexander in the Chair.)

Mr. Thornton offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 5, by striking out "Section 14" in Section 15 of committee amendment No. 1, page 13, and substituting in lieu thereof the following:

"And in the event of any person being aggrieved by any decision, rule, or order of the Board or administrator, such person shall have the right of an appeal therefrom to the District Court of the County in which the licensee resides, said suit to be against the Board alone as defendant and such suit shall be tried de novo, and such suit shall be governed by the same rules as other suits in said court, and during the pendency of such suit the order of the Board may be suspended by interlocutory order of the court pending a hearing on the merits provided a good and sufficient supersedeas bond, in an amount to be fixed by the court, shall be filed. All appeals herein provided shall be perfected and filed within thirty (30) days after the entering by the Board of the order, rule, or decision appealed from. Such case shall be tried before the Judge of such court within ten (10) days after the docketing of the cause, or in the earliest possible time after such ten (10) day period, in the event the Judge is not able to try such case within such ten (10) day period."

THORNTON.

HARRIS of Dallas.

Mr. Graves moved to table the amendment by Mr. Thornton.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—91

Adkins	Lankford
Alsup	Lanning
Amos	Leyendecker
Baker	Loggins
Bates	London
Beckworth	Lucas
Bell	Mauritz
Boethel	McConnell
Bradbury	McDonald
Broadfoot	McFarland
Brown	McKee
Burton	Metcalfe
Cagle	Moffett
Carssow	Monkhouse
Cathey	Morris
Cauthorn	Morse
Cleveland	Nicholson
Davis of Haskell	Oliver
Davis of Jasper	Palmer
Deglandon	Patterson of Mills
Derden	Patterson
England	of Travis
Fielden	Petsch
Fox	Prescott
Graves	Quinn
Hamilton	Reed of Bowie
Harbin	Rhodes
Harper	Riddle
Harrell	Roark
Harris of Archer	Ross
Harris of Dickens	Russell
Heflin	Rutta
Holland	Settle
Huddleston	Sewell
Hyder	Skaggs
James	Smith of Hopkins
Johnson of Ellis	Smith
Jones of Angelina	of Matagorda
Jones of Atascosa	Stocks
Jones of Falls	Talbert
Jones of Wise	Tarwater
Keefe	Tennynson
Keith	Thornberry
Kelt	Weldon
Kern	Westbrook
King	Winfree
Langdon	

Nays—42

Bond	Dollins
Boyer	Fuchs
Bradford	Gibson
Bridgers	Hankamer
Celaya	Hanna
Colquitt	Hardin
Davison of Fisher	Harris of Dallas
Davisson	Hartzog
of Eastland	Herzik
Dean	Hoskins
Dickison	Hull



Jackson	Schuenemann
Johnson	Shell
of Tarrant	Simpson
Kenyon	Smith of Tarrant
Leonard	Stevenson
Little	Stinson
Mann	Tennant
McCracken	Thornton
Powell	Vale
Reader	Walker
Reed of Dallas	Wood

## Absent

Alexander	McKinney
Blankenship	Newton
Farmer	Ragsdale
Felty	Sharpe
Leath	Waggoner
Mays	Worley

## Absent—Excused

Callan	Knetsch
Howard	Pope

Mr. Keefe moved the previous question on the pending amendment, and the passage of House Bill No. 5 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost by the following vote:

## Yeas—59

Alsup	Keefe
Bates	Keith
Beckworth	Kelt
Boethel	Kern
Bradbury	Langdon
Brown	Lankford
Cagle	Leyendecker
Cathey	London
Cleveland	Lucas
Davis of Haskell	Mauritz
Davis of Jasper	McDonald
Davison of Fisher	McFarland
Deglandon	Metcalfe
Derden	Morris
Dollins	Oliver
England	Palmer
Fielden	Patterson of Mills
Fox	Quinn
Graves	Roark
Hamilton	Ross
Hanna	Sewell
Harbin	Skaggs
Harrell	Smith of Hopkins
Harris of Archer	Stocks
Harris of Dickens	Tarwater
Holland	Tennyson
Huddleston	Thornberry
Jones of Angelina	Weldon
Jones of Atascosa	Westbrook
Jones of Wise	

## Nays—74

Adkins	Leonard
Baker	Little
Bell	Loggins
Blankenship	Mann
Bond	McConnell
Boyer	McCracken
Bradford	McKee
Bridgers	Moffett
Burton	Monkhouse
Carssow	Morse
Cauthorn	Nicholson
Celaya	Patterson
Colquitt	of Travis
Davisson	Petsch
of Eastland	Powell
Dean	Prescott
Dickison	Reader
Farmer	Reed of Bowie
Felty	Reed of Dallas
Fuchs	Rhodes
Gibson	Riddle
Hankamer	Russell
Hardin	Rutta
Harris of Dallas	Schuenemann
Hartzog	Settle
Heflin	Shell
Herzik	Simpson
Hoskins	Smith
Hull	of Matagorda
Hyder	Smith of Tarrant
Jackson	Stevenson
James	Stinson
Johnson of Ellis	Talbert
Johnson	Tennant
of Tarrant	Thornton
Jones of Falls	Vale
Kenyon	Walker
King	Winfree
Lanning	Wood

## Present—Not Voting

Harper	Alexander
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## Absent

Amos	Newton
Broadfoot	Ragsdale
Leath	Sharpe
Mays	Waggoner
McKinney	Worley

## Absent—Excused

Callan	Knetsch
Howard	Pope

Mr. Thornton offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 5, page 11, by striking out the last sentence in Section 3 and inserting the following:

"The Board, in conducting its hearing, shall be governed by the rules of evidence and procedure as are applicable to trials in the District Courts of this State."

(Speaker in the Chair.)

Mr. Jones of Wise moved to table the amendment by Mr. Thornton.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

#### Yeas—78

Adkins	Langdon
Alsup	Lankford
Amos	Lanning
Baker	Loggins
Bates	London
Beckworth	Lucas
Bell	Mauritz
Bond	McConnell
Broadfoot	McDonald
Brown	McFarland
Burton	Metcalf
Cagle	Moffett
Cauthorn	Morris
Cleveland	Morse
Davis of Haskell	Nicholson
Davisson	Oliver
of Eastland	Palmer
Deglandon	Patterson of Mills
Derden	Patterson
England	of Travis
Fielden	Petsch
Fox	Prescott
Graves	Quinn
Hamilton	Reed of Bowie
Harbin	Riddle
Harper	Roark
Harrell	Ross
Harris of Archer	Russell
Harris of Dickens	Rutta
Heflin	Sewell
Huddleston	Smith of Hopkins
Hyder	Smith
Jones of Angelina	of Matagorda
Jones of Atascosa	Smith of Tarrant
Jones of Falls	Stocks
Jones of Wise	Tarwater
Keefe	Tennyson
Keith	Thornberry
Kelt	Westbrook
Kern	Winfree
King	

#### Nays—53

Alexander	Bridgers
Blankenship	Carssow
Boethel	Celaya
Boyer	Colquitt
Bradbury	Davis of Jasper
Bradford	Dickison

Dollins	Mann
Felty	McCracken
Fuchs	McKee
Hankamer	McKinney
Hanna	Monkhouse
Hardin	Powell
Harris of Dallas	Reader
Hartzog	Reed of Dallas
Herzik	Rhodes
Holland	Schuenemann
Hoskins	Settle
Hull	Shell
Jackson	Simpson
James	Stinson
Johnson of Ellis	Talbert
Johnson	Tennant
of Tarrant	Thornton
Kenyon	Walker
Leonard	Weldon
Leyendecker	Wood
Little	Worley

#### Absent

Cathey	Newton
Davison of Fisher	Ragsdale
Dean	Sharpe
Farmer	Skaggs
Gibson	Stevenson
Leath	Vale
Mays	Waggoner

#### Absent—Excused

Callan	Knetsch
Howard	Pope

Mr. Derden moved the previous question on the pending amendment, and the passage of House Bill No. 5 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Petsch offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 5, by adding the following Section to be known as Section 5½ of said bill:

Section 5½. That Section 5, Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature be amended so as to hereafter read as follows:

"Section 5. There is hereby created a Board named the Texas Liquor Control Board, consisting of three (3) persons, all of whom shall be appointed by the Governor, by and with the advice and consent of the Senate, and one of whom shall be designated by the Governor to be Chairman of the said Board, and said members

shall receive their actual expenses while engaged in the performance of their duties and a per diem of Ten (\$10.00) Dollars per day for not exceeding sixty (60) days for any one year. Each member at the time of his appointment and qualification shall be a resident of the State of Texas and shall have resided in said State for a period of at least five (5) years next preceding his appointment and qualification, and he also shall be a qualified voter therein. Of the members initially appointed each shall hold office from the date of his appointment for the following respective terms, and until their respective successors shall qualify: One member for two (2) years, one for four (4) years, and one for six (6) years from the effective date of the Act. Each member may be initially appointed on or subsequent to the date this Act goes into effect. The Governor, at the time of making and announcing the appointment of said three (3) members, as well as in the commission issued by him to each of them shall designate which of said members shall serve for each of the said respective terms, and also which shall be the chairman of the Board.

Upon the expiration of each of said terms, the term of office of each member thereafter appointed, shall be six (6) years from the time of his appointment and qualification, and until his successor shall qualify. In case any member shall be allowed to hold over after the expiration of his term, his successor shall be appointed for the balance of the unexpired term. Vacancies in said Board shall be filled by the Governor for the unexpired term. Each member shall be eligible for reappointment in the discretion of the Governor.

No person shall be eligible for appointment, or shall hold the office of member of the Board, or be appointed by the Board, or hold any office or position under the Board, who has any connection with any association, firm, person, or corporation engaged in or conducting any alcoholic liquor business of any kind or who holds stocks or bonds therein, or who has pecuniary interest therein, nor shall any such person receive any commission or profit whatsoever from or have any interest whatsoever in any purchase or sales of any alcoholic liquors.

The office of the Board shall be in the City of Austin, Texas.

The said Board shall meet at such times within the City of Austin as the Board shall determine, and the members thereof shall be entitled to their reasonable expenses for each meeting so attended, and the per diem hereinabove referred to. A majority of the members shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the Board.

The Board shall appoint an Administrator who shall serve at the Board's pleasure and who shall under the supervision of the Board administer the provisions of this Act. He shall receive a salary of Six Thousand (\$6,000.00) Dollars per annum, and shall execute a bond in the sum of Ten Thousand (\$10,000.00) Dollars payable to the State of Texas, conditioned as the Board shall require.

The Board or Administrator shall appoint all necessary clerks, stenographers, inspectors, and chemists and other employees to properly enforce the provisions of this Act.

No person shall be eligible for any appointment who has any financial connection whatever with any person engaged in or conducting any liquor business of any kind, or who holds stock or bonds therein, or who has any pecuniary interest therein, nor shall any such person receive any commission or profit whatever from, or have any interest whatsoever in, the purchases or sales made by persons authorized by this Act to manufacture, purchase, sell, or otherwise deal in the liquor business.

The Administrator shall act as manager, secretary and custodian of all records, unless the Board shall otherwise order.

The Administrator shall devote his entire time to said office.

The Board or Administrator shall fix the duties, salaries, and wages of all employees authorized by this Act but such compensation, salaries, and wages shall not be greater than the salaries fixed for similar positions and duties in other departments of the State government. The salaries herein authorized shall not continue in effect beyond the effective date of the General Appropriation Bill of the Forty-fourth Legislature.

The Board shall likewise have power to require any employee authorized by this Act to give bond for the faithful performance of his duties in such

an amount and under such conditions as it may deem adequate and proper.

It shall be the duty of the Board, during the month of January of each year, to make a report to the Governor, concerning its administration of this Act."

PETSCH,  
READER.

Mr. Wood moved to table the amendment by Mr. Petsch.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—35

Alexander	Langdon
Amos	Lucas
Beckworth	McFarland
Bradbury	Oliver
Bradford	Powell
Broadfoot	Prescott
Cathey	Reed of Bowie
Deglandon	Roark
Derden	Russell
Farmer	Schuenemann
Graves	Shell
Hanna	Simpson
Harbin	Stevenson
Hardin	Tennant
Holland	Walker
Johnson	Weldon
of Tarrant	Westbrook
Kern	Wood

Nays—93

Adkins	Hamilton
Alsup	Hankamer
Baker	Harper
Bates	Harrell
Bell	Harris of Archer
Blankenship	Harris of Dallas
Boethel	Harris of Dickens
Bond	Hartzog
Boyer	Heflin
Bridgers	Herzik
Burton	Hoskins
Cagle	Huddleston
Carssow	Hull
Cauthorn	Hyder
Celaya	Jackson
Cleveland	James
Davis of Haskell	Johnson of Ellis
Davisson	Jones of Angelina
of Eastland	Jones of Atascosa
Dickison	Jones of Falls
Dollins	Jones of Wise
England	Keefe
Felty	Keith
Fielden	Kelt
Fox	Kenyon
Fuchs	King

Lankford	Quinn
Lanning	Reader
Leyendecker	Reed of Dallas
Little	Rhodes
Loggins	Riddle
London	Ross
Mann	Rutta
Mauritz	Settle
McConnell	Sewell
McDonald	Smith of Hopkins
McKee	Smith
Metcalfe	of Matagorda
Moffett	Smith of Tarrant
Monkhouse	Stinson
Morris	Stocks
Morse	Talbert
Nicholson	Tarwater
Palmer	Tennyson
Patterson of Mills	Thornberry
Patterson	Thornton
of Travis	Winfree
Petsch	Worley

Absent

Brown	McCracken
Colquitt	McKinney
Davis of Jasper	Newton
Davison of Fisher	Ragsdale
Dean	Sharpe
Gibson	Skaggs
Leath	Vale
Leonard	Waggoner
Mays	

Absent—Excused

Callan	Knetsch
Howard	Pope

Question next recurring on the amendment by Mr. Petsch, it was adopted.

Mr. Fielden moved the previous question on the pending amendment, and the passage of House Bill No. 5 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion for the main question was lost by the following vote:

Yeas—58

Adkins	Davis of Jasper
Amos	Deglandon
Beckworth	Derden
Blankenship	Dollins
Boethel	England
Bradbury	Farmer
Broadfoot	Fielden
Cathey	Fox
Cleveland	Hamilton
Davis of Haskell	Hanna

Harbin	McFarland
Hardin	Metcalfe
Harrell	Morris
Harris of Archer	Oliver
Huddleston	Palmer
Johnson	Patterson of Mills
of Tarrant	Quinn
Jones of Angelina	Riddle
Jones of Atascosa	Roark
Jones of Wise	Ross
Keefe	Russell
Keith	Sewell
Kern	Smith of Hopkins
King	Talbert
Langdon	Tarwater
Lankford	Tennyson
London	Thornberry
Lucas	Weldon
Mauritz	Westbrook
McDonald	

## Nays—72

Alexander	Little
Alsup	Loggins
Baker	Mann
Bates	McConnell
Bell	McCracken
Bond	McKee
Boyer	McKinney
Bradford	Moffett
Bridgers	Monkhouse
Burton	Morse
Carssow	Nicholson
Cauthorn	Patterson
Celaya	of Travis
Davisson	Petsch
of Eastland	Powell
Dickison	Prescott
Felty	Reader
Fuchs	Reed of Bowie
Graves	Reed of Dallas
Hankamer	Rhodes
Harper	Rutta
Harris of Dallas	Schuenemann
Harris of Dickens	Settle
Hartzog	Shell
Heflin	Simpson
Herzik	Smith
Hoskins	of Matagorda
Howard	Smith of Tarrant
Hull	Stevenson
Hyder	Stinson
Jackson	Stocks
James	Tennant
Johnson of Ellis	Thornton
Kelt	Walker
Kenyon	Winfree
Lanning	Wood
Leonard	Worley
Leyendecker	

## Absent

Brown	Davison of Fisher
Cagle	Dean
Colquitt	Gibson

Holland	Ragsdale
Jones of Falls	Sharpe
Leath	Skaggs
Mays	Vale
Newton	Waggoner

## Absent—Excused

Callan	Pope
Knetsch	

Mr. Hartzog offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 5, on page 27, by striking out the word "a" where it appears at the end of line 7, and by inserting in lieu thereof the following: "more than one", and by inserting between the words "or" and "beer" in line 8 the following: "more than one".

HARTZOG,  
BELL.

On motion of Mr. Moffett, the amendment by Mr. Hartzog was tabled.

Mr. Bradbury moved the previous question on the pending amendment, and the passage of House Bill No. 5 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion for the main question was lost by following vote:

## Yeas—57

Alsup	Jones of Angelina
Amos	Jones of Atascosa
Beckworth	Jones of Wise
Blankenship	Keefe
Bond	Keith
Bradbury	Kelt
Broadfoot	Kern
Brown	King
Burton	Langdon
Cathey	Lankford
Cleveland	Lanning
Colquitt	London
Davis of Haskell	Lucas
Deglandon	Mauritz
Derden	McConnell
Dollins	McDonald
England	McFarland
Fielden	Morris
Fox	Oliver
Graves	Patterson of Mills
Hamilton	Quinn
Hanna	Roark
Harrell	Ross
Harris of Archer	Russell
Huddleston	Sewell

Smith of Hopkins    Thornberry  
Talbert                Weldon  
Tarwater              Westbrook  
Tennyson

Nays—69

Adkins	Little
Alexander	Loggins
Baker	Mann
Bell	McCracken
Boethel	McKee
Boyer	McKinney
Bradford	Moffett
Bridgers	Monkhouse
Carssow	Morse
Cauthorn	Palmer
Celaya	Patterson
Davisson	of Travis
of Eastland	Petsch
Dickison	Powell
Felty	Prescott
Hankamer	Reader
Hardin	Reed of Bowie
Harper	Reed of Dallas
Harris of Dallas	Rhodes
Harris of Dickens	Rutta
Hartzog	Schuenemann
Heflin	Settle
Herzik	Sharpe
Hoskins	Shell
Howard	Simpson
Hull	Smith
Hyder	of Matagorda
Jackson	Stevenson
James	Stinson
Johnson of Ellis	Stocks
Johnson	Tennant
of Tarrant	Thornton
Jones of Falls	Walker
Kenyon	Winfree
Leath	Wood
Leonard	Worley
Leyendecker	

Absent

Bates	Mays
Cagle	Metcalfe
Davis of Jasper	Newton
Davison of Fisher	Nicholson
Dean	Ragsdale
Farmer	Riddle
Fuchs	Skaggs
Gibson	Smith of Tarrant
Harbin	Vale
Holland	Waggoner

Absent—Excused

Callan                Pope  
Knetsch

Mr. Smith of Matagorda offered the following amendment to the committee amendment:

Amend committee amendment No. 1, to House Bill No. 5, page 23, line

20, after the word purposes: "It shall be unlawful for any Pharmacist to knowingly fill a Liquor Perscription bearing a fictitious name, for anyone."

The amendment was adopted.

Question—Shall the committee amendment be adopted?

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 600

Mr. Lucas, Chairman, submitted the following Conference Committee Report on House Bill No. 600:

Austin, Texas, April 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Hon. Walter F. Woodul, President of the Senate.

Honorables and Sirs:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House on House Bill No. 600, have had the same under consideration, and beg leave to report it back to the Senate and House with the recommendation that said House Bill No. 600 be adopted in the form hereto attached.

Very respectfully,

LUCAS,  
KEEFE,  
RHODES,  
HARBIN,  
DAVISON of Fisher,

On the part of the House.

AIKIN,  
REDDITT,  
COTTEN,  
HEAD,

On the part of the Senate.

H. B. No. 600,

#### A BILL

To Be Entitled

An Act appropriating the sum of One Million and Eighty Thousand (\$1,080,000.00) Dollars as a supplement to the funds appropriated under the provisions of House Bill No. 327, the same being Chapter 350 of the Acts of the Regular Session of the Forty-fourth Legislature; providing no school shall benefit hereunder that has paid its public funds to any person for securing legislative aid; providing that funds herein appropriated

shall be expended under the terms of said Act; providing for a Joint Committee of the Forty-fifth Legislature to approve grants of aid under this Act and under House Bill No. 327 of the Regular Session of the Forty-fourth Legislature; granting said Committee certain powers; making an appropriation from the Contingent Expense Fund of the Forty-fifth Legislature to pay the expenses of said Committee; providing that said funds shall be prorated between the schools eligible to receive aid; providing that all applications for transportation aid, salary aid, and industrial aid shall have been on file and approved prior to the passage of the Act, and that all applications for tuition aid shall be on file by June 10, 1937; providing all moneys allocated under this Act shall be used for purposes specified under the provisions of said House Bill No. 327 and for no other purpose; providing a penalty for violating the provisions of the Act; allocating One Hundred and Fifty Thousand (\$150,000.00) Dollars or so much thereof as may be necessary to supplement the payment of tuition aid for certain schools under the fiscal year 1935-1936; setting aside the sum of Ten Thousand (\$10,000.00) Dollars to the Division of Census for checking and making transfers and census; allocating Three Thousand (\$3,000.00) Dollars to be used by the State Auditor in investigating expenditure of funds appropriated by said House Bill No. 327 and this Act and for making a public report thereof, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. There is hereby appropriated out of any funds now in the State Treasury not otherwise appropriated the sum of One Million and Eighty Thousand (\$1,080,000.00) Dollars as a supplemental appropriation to the funds appropriated by House Bill No. 327, the same being Chapter 350 of the Acts of the Regular Session of the Forty-fourth Legislature, provided that no funds herein appropriated shall be granted to a school district which has paid out of its public funds any money or moneys to any person or association for the purpose of securing legislative aid.

Sec. 2. The funds herein appropri-

ated are to be expended under the direction of the State Board of Education, and the State Superintendent of Public Instruction, under the terms of the afore-mentioned House Bill No. 327, the same being Chapter 350 of the Acts of the Regular Session of the Forty-fourth Legislature, and as provided in this Act.

Sec. 2-a. Provided, however, that before any grants of aid are allowed under the provisions of this Act or under the provisions of House Bill No. 327, Chapter 350, Acts of the Forty-fourth Legislature, such grants of aid shall be submitted to and be finally approved by a majority of a Joint Committee of the Forty-fifth Legislature to be chosen and empowered as follows:

(1) The Speaker of the House of Representatives and the President of the Senate shall each appoint three (3) Members to said Joint Committee. Said Joint Committee shall be appointed and proceed to organization within three (3) days after the passage of this Act. The Joint Committee afore-mentioned shall select a chairman and a vice-chairman and shall be empowered to make such rules and regulations as will insure the efficient and fair distribution of these funds.

(2) The Joint Committee is hereby empowered to increase or decrease any amount, and to deny in whole or in part any grant of funds recommended by the State Superintendent or the State Board of Education.

(3) The Joint Committee is further empowered to examine any and all records of the State Department of Education and the State Board of Education, to administer oaths, to subpoena witnesses and records, and to investigate the administration of funds heretofore distributed by the State Superintendent and the State Board of Education, and to make such recommendations regarding education in Texas as they may see fit to propose.

(4) There is hereby appropriated the sum of Fifteen Hundred (\$1,500.00) Dollars out of the Contingent Expense Fund of the Forty-fifth Legislature to pay the expenses of the Joint Committee.

Sec. 3. The funds herein appropriated, together with those appropriated by the afore-mentioned House Bill No. 327, the same being Chapter 350 of the Acts of the Regular Session of the Forty-fourth Legislature, are to be

prorated between the schools which are eligible to receive aid under the provisions of said House Bill No. 327, the same being Chapter 350 of the Acts of the Regular Session of the Forty-fourth Legislature, which have been approved for certain amounts by the State Department of Education heretofore, so that each school is to receive the same proportionate share of the allotment heretofore approved for it, and the amount prorated to each school is hereby designated to be the full and complete payment of any claims made by any school for aid under said House Bill No. 327, the same being Chapter 350 of the Acts of the Regular Session of the Forty-fourth Legislature.

Sec. 4. All applications for transportation aid, salary aid, and industrial aid, in order to be eligible to participate in the provisions of this Act, shall have been declared eligible for aid by the State Board of Education under the provisions of House Bill No. 327, being Chapter 350 of the Acts of the Regular Session of the Forty-fourth Legislature, and shall have been on file and approved by the State Board of Education prior to the passage of this Act, and all applications for tuition aid shall be filed with the State Department of Education not later than June 10, 1937, in order to be eligible to participate in tuition aid. All funds or moneys granted or allocated under the provisions of this Act, shall be used for the purposes specified under the provisions of House Bill No. 327, Chapter 350. Acts of the Regular Session of the Forty-fourth Legislature, or under the provisions of this Act, and in no case shall the funds or moneys be used for any other purposes.

Any person or persons, firms, corporations, or partnerships who shall misappropriate or use any of the funds or moneys granted or allocated under the provisions of this Act for any other purposes except those specified in House Bill No. 327, Chapter 350, Acts of the Regular Session of the Forty-fourth Legislature, or under the provisions of this Act, shall be deemed guilty of misappropriation of public funds and upon conviction shall be fined not less than Two Hundred (\$200.00) Dollars nor more than One Thousand (\$1,000.00) Dollars or confined in the county jail not less than six (6) months nor more than one

year or both such fine and imprisonment.

Sec. 5. There is also allocated hereby, out of the funds appropriated by this Act and by the said House Bill No. 327, the same being Chapter 350 of the Acts of the Regular Session of the Forty-fourth Legislature, the sum of One Hundred and Fifty Thousand (\$150,000.00) or so much thereof as may be necessary to be used exclusively for increasing the allotment of high school tuition to those schools which received Rural Aid during the fiscal year of September 1, 1935, to September 1, 1936, and which received less than eighty-seven (87) per cent of the amount originally allotted to them by the State Department of Education. This money is to be prorated between the schools eligible to receive same in such a manner so that each school sharing hereunder shall receive the same percentage of its original allotment as all other schools sharing hereunder.

Sec. 5-a. Out of the funds above appropriated there is set aside, for the purpose of more accurately checking and making transfers and census and paying costs of labor, material, supplies, and travel incident thereto, the sum of Ten Thousand (\$10,000.00) Dollars to the Division of Census, State Department of Education, to be expended as are other funds for administration expenses of the Equalization Law.

Sec. 5-b. There is also allocated hereby, out of the funds appropriated by this Act and by the said House Bill No. 327, the same being Chapter 350 of the Acts of the Regular Session of the Forty-fourth Legislature, the sum of Three Thousand (\$3,000.00) Dollars or so much thereof as may be necessary, to be used exclusively by the State Auditor in making, and causing to be made, immediately, a full and thorough investigation and audit of the expenditures made of the funds appropriated by the said House Bill No. 327 and by this Act, and to make a public report thereof.

Sec. 6. The fact that there are insufficient funds to pay the amounts of Rural Aid said to be needed by the schools of Texas in order for them to operate their full term this year creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be



read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Keefe, the report was adopted by the following vote:

Yeas—134

Adkins	Hyder
Alexander	Jackson
Alsup	James
Amos	Johnson of Ellis
Baker	Johnson
Beckworth	of Tarrant
Bell	Jones of Angelina
Blankenship	Jones of Atascosa
Boethel	Jones of Falls
Bond	Jones of Wise
Boyer	Keefe
Bradbury	Keith
Bradford	Kelt
Bridgers	Kenyon
Broadfoot	Kern
Brown	King
Burton	Langdon
Cagle	Lankford
Carssow	Lanning
Cathey	Leath
Cauthorn	Leonard
Celaya	Leyendecker
Cleveland	Little
Davis of Haskell	Loggins
Davis of Jasper	London
Davison of Fisher	Lucas
Davison	Mann
of Eastland	Mauritz
Deglandon	McConnell
Derden	McCracken
Dickison	McDonald
Dollins	McFarland
England	McKee
Felty	McKinney
Fielden	Metcalfe
Fox	Moffett
Fuchs	Monkhouse
Graves	Morris
Hamilton	Morse
Hankamer	Oliver
Hanna	Palmer
Harbin	Patterson of Mills
Hardin	Patterson
Harper	of Travis
Harrell	Petsch
Harris of Archer	Powell
Harris of Dallas	Prescott
Harris of Dickens	Quinn
Hartzog	Ragsdale
Heflin	Reader
Herzik	Reed of Bowie
Holland	Reed of Dallas
Hoskins	Rhodes
Howard	Riddle
Huddleston	Roark
Hull	Ross

Russell	Stocks
Rutta	Talbert
Schuenemann	Tarwater
Settle	Tennant
Sewell	Tennyson
Sharpe	Thornberry
Simpson	Thornton
Skaggs	Walker
Smith of Hopkins	Weldon
Smith	Westbrook
of Matagorda	Winfree
Stevenson	Wood
Stinson	Worley

Absent

Bates	Newton
Colquitt	Nicholson
Dean	Shell
Farmer	Smith of Tarrant
Gibson	Vale
Mays	Waggoner

Absent—Excused

Callan	Pope
Knetsch	

#### MESSAGE FROM THE SENATE

Austin, Texas, April 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

H. B. No. 1131, A bill to be entitled "An Act creating the Harris County Flood Control District in Harris County, Texas, and defining its powers; designating the Commissioners' Court as the governing body of such district and defining the powers of such court in connection therewith; . . . etc., and declaring an emergency." (With amendments.)

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### HOUSE BILL NO. 1131 WITH SENATE AMENDMENTS

Mr. Winfree called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 1131, A bill to be entitled "An Act creating the Harris County Flood Control District in Harris County, Texas, and defining its powers; designating the Commissioners' Court as the governing body of such district and defining the powers of such court in connection

therewith; . . . etc., and declaring an emergency."

The Speaker laid the bill before the House with the Senate amendments.

Mr. Winfree moved that the House do not concur in the Senate amendments, and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

In accordance with the above action, the Speaker announced the appointment of the following conference committee:

Messrs. Winfree, Heflin, Graves, Keith and Morris.

#### BILL AND RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bill and resolutions:

S. C. R. No. 58, Granting certain District Judge permission to leave the State.

H. C. R. No. 103, Authorizing certain correction in House Bill No. 1007.

H. B. No. 1007, "An Act relating to marks and brands of live stock in Jasper and Newton Counties, requiring that each owner of any live stock mentioned in Chapter 1 of Title 121 of the Revised Civil Statutes of Texas of 1925, shall within six (6) months after this Act takes effect, have his mark and brand for such stock recorded at the office of the County Clerk of said Counties; without any cost to owner and providing that such owners shall so record such marks and brands whether heretofore recorded or not and that after the expiration of six (6) months from the taking effect of this Act all records of marks and brands now in existence in Jasper and Newton Counties shall no longer have any force or effect and that after the expiration of six (6) months only the records made after this Act shall be effective and considered the recorded marks and brands in said Counties; and further providing that the County Clerk shall publish this Act in some newspaper in general circulation in said Counties for a period of thirty (30) days, and declaring an emergency."

#### HOUSE BILLS ON FIRST READING

Mr. Stevenson moved to introduce, at this time, and have placed on first reading, House Bill No. 1137.

The motion prevailed by the following vote:

Yeas—129

Adkins	Johnson
Alexander	of Tarrant
Alsup	Jones of Angelina
Amos	Jones of Atascosa
Baker	Jones of Falls
Beckworth	Jones of Wise
Bell	Keefe
Blankenship	Keith
Boethel	Kelt
Boyer	Kenyon
Bradbury	Kern
Bradford	King
Bridgers	Langdon
Broadfoot	Lankford
Brown	Lanning
Burton	Leath
Carssow	Leonard
Cathey	Leyendecker
Cauthorn	Little
Celaya	Loggins
Cleveland	London
Davis of Haskell	Lucas
Davis of Jasper	Mann
Davisson	Mauritz
of Eastland	McConnell
Deglandon	McCracken
Derden	McDonald
Dickison	McFarland
Dollins	McKee
Felty	Metcalfe
Fielden	Moffett
Fuchs	Monkhouse
Graves	Morris
Hamilton	Morse
Hankamer	Nicholson
Hanna	Oliver
Harbin	Palmer
Hardin	Patterson of Mills
Harper	Patterson
Harrell	of Travis
Harris of Archer	Petsch
Harris of Dallas	Powell
Harris of Dickens	Prescott
Hartzog	Quinn
Heflin	Ragsdale
Herzik	Reader
Holland	Reed of Bowie
Hoskins	Reed of Dallas
Howard	Rhodes
Huddleston	Riddle
Hull	Roark
Hyder	Ross
Jackson	Russell
James	Rutta
Johnson of Ellis	Schuenemann

Settle  
Sewell  
Sharpe  
Shell  
Smith of Hopkins  
Smith  
of Matagorda  
Stevenson  
Stinson  
Stocks  
Talbert  
Tarwater

Tennant  
Tennyson  
Thornberry  
Thornton  
Waggoner  
Walker  
Weldon  
Westbrook  
Winfree  
Wood  
Worley

Absent

Bates  
Bond  
Cagle  
Colquitt  
Davison of Fisher  
Dean  
England  
Farmer  
Fox

Gibson  
Mays  
McKinney  
Newton  
Simpson  
Skaggs  
Smith of Tarrant  
Vale

Absent—Excused

Callan  
Knetsch

Pope

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Stevenson:

H. B. No. 1137, A bill to be entitled "An Act appropriating any and all unexpended balances remaining of that certain appropriation made by the Forty-fourth Legislature, Regular Session, 1935, Section Seven (7) of Chapter 131, being Senate Bill Number 467, as shown by the Acts of said Session page 359, et seq., for the location, establishment, erection, equipment and completion of a Tuberculosis Sanatorium for negroes to be known as the State Tuberculosis Sanatorium for Negroes; providing the rules and regulations governing the expenditure thereof, and declaring an emergency."

Referred to the Committee on Appropriations.

Mr. Hankamer moved to introduce, at this time, and have placed on first reading, House Bill No. 1138.

The motion prevailed by the following vote:

Yeas—127

Adkins  
Alexander  
Alsup  
Amos  
Baker  
Beckworth

Bell  
Blankenship  
Boethel  
Boyer  
Bradbury  
Bradford

Bridgers  
Broadfoot  
Brown  
Burton  
Carssow  
Cathey  
Cauthorn  
Celaya  
Cleveland  
Colquitt  
Davis of Haskell  
Davis of Jasper  
Davison of Fisher  
Davisson  
of Eastland  
Deglandon  
Derden  
Dickison  
Dollins  
Felty  
Fielden  
Fuchs  
Graves  
Hamilton  
Hankamer  
Hanna  
Harbin  
Hardin  
Harper  
Harrell  
Harris of Archer  
Harris of Dallas  
Harris of Dickens  
Hartzog  
Heflin  
Herzik  
Holland  
Hoskins  
Howard  
Huddleston  
Hyder  
Jackson  
James  
Johnson of Ellis  
Johnson  
of Tarrant  
Jones of Angelina  
Jones of Falls  
Jones of Wise  
Keith  
Kelt  
Kenyon  
Kern  
King  
Langdon  
Lankford  
Lanning  
Leath  
Leyendecker  
Little

Loggins  
London  
Lucas  
Mann  
Mauritz  
McConnell  
McCracken  
McDonald  
McFarland  
McKee  
McKinney  
Metcalf  
Moffett  
Monkhouse  
Morris  
Morse  
Nicholson  
Oliver  
Palmer  
Patterson of Mills  
Patterson  
of Travis  
Petsch  
Powell  
Prescott  
Quinn  
Ragsdale  
Reader  
Reed of Bowie  
Reed of Dallas  
Rhodes  
Riddle  
Roark  
Ross  
Russell  
Rutta  
Schuenemann  
Settle  
Sewell  
Sharpe  
Shell  
Smith of Hopkins  
Smith  
of Matagorda  
Stevenson  
Stinson  
Stocks  
Talbert  
Tarwater  
Tennant  
Tennyson  
Thornberry  
Thornton  
Waggoner  
Walker  
Weldon  
Westbrook  
Wood  
Worley

Absent

Bates  
Bond  
Cagle

Dean  
England  
Farmer

Fox	Newton
Gibson	Simpson
Hull	Skaggs
Jones of Atascosa	Smith of Tarrant
Keefe	Vale
Leonard	Winfree
Mays	

Absent—Excused

Callan	Pope
Knetsch	

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Hankamer, Mr. Jackson and Mr. Bridgers:

H. B. No. 1138, A bill to be entitled "An Act to amend Article 7333 of the 1925 Revised Civil Statutes of Texas, relating to the payment of fees and costs in tax suits, so as to provide for the payment, by the County, of costs of publication of citations, notices and all matters required or authorized by law to be published, in tax suits; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Counties.

#### NOTICES GIVEN

Mr. Worley gave notice that he would, on the next legislative day, move to take up for consideration, at that time, House Bill No. 373, which bill was heretofore laid on the table subject to call.

Notices were given by authors of all bills, which bills were heretofore laid on the table subject to call, that motions would be made to take same up for consideration, on the next legislative day.

#### RECESS

Mr. Johnson of Ellis moved that the House recess until 7:30 o'clock p. m., today.

Mr. Hardin moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. Harris of Dickens moved that the House recess until 9:30 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Hardin, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—52

Adkins	Mauritz
Amos	McConnell
Bond	McFarland
Bradford	Metcalf
Bridgers	Newton
Broadfoot	Nicholson
Cathey	Oliver
Davis of Haskell	Prescott
Davisson	Reed of Bowie
of Eastland	Reed of Dallas
Dollins	Rhodes
Fox	Riddle
Graves	Rutta
Hanna	Sewell
Hardin	Simpson
Harris of Dallas	Smith of Hopkins
Hull	Smith
Jackson	of Matagorda
James	Stevenson
Johnson	Stinson
of Tarrant	Talbert
Jones of Angelina	Tarwater
Jones of Atascosa	Thornton
Jones of Falls	Vale
Kenyon	Walker
Lanning	Westbrook
Leyendecker	Worley
Little	

Nays—84

Alexander	Harris of Dickens
Alsup	Hartzog
Baker	Heflin
Beckworth	Herzik
Bell	Holland
Blankenship	Hoskins
Boethel	Howard
Boyer	Huddleston
Bradbury	Hyder
Brown	Johnson of Ellis
Burton	Jones of Wise
Carssow	Keefe
Cauthorn	Keith
Celaya	Kelt
Cleveland	Kern
Colquitt	King
Davis of Jasper	Langdon
Davison of Fisher	Lankford
Deglandon	Leath
Derden	Loggins
Dickison	London
England	Lucas
Felty	McCracken
Fielden	McDonald
Fuchs	McKee
Hamilton	Moffett
Hankamer	Monkhouse
Harbin	Morris
Harper	Morse
Harrell	Palmer
Harris of Archer	Patterson of Mills

Patterson	Sharpe
of Travis	Shell
Petsch	Smith of Tarrant
Powell	Stocks
Quinn	Tennant
Ragsdale	Tennyson
Reader	Thornberry
Roark	Waggoner
Ross	Weldon
Russell	Winfree
Schuenemann	Wood
Settle	

Absent

Bates	Leonard
Cagle	Mann
Dean	Mays
Farmer	McKinney
Gibson	Skaggs

Absent—Excused

Callan	Pope
Knetsch	

Question then recurring on the motion by Mr. Johnson of Ellis, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—76

Alexander	Johnson of Ellis
Amos	Jones of Atascosa
Baker	Jones of Wise
Beckworth	Keefe
Bell	Keith
Blankenship	Kelt
Boyer	Kern
Bradbury	King
Broadfoot	Langdon
Brown	Lankford
Burton	London
Carsow	Lucas
Cauthorn	Mann
Cleveland	McCracken
Colquitt	McDonald
Davis of Haskell	McKee
Davison of Fisher	Moffett
Deglandon	Morris
England	Morse
Felty	Oliver
Fuchs	Palmer
Graves	Patterson of Mills
Hamilton	Patterson
Harbin	of Travis
Harper	Petsch
Harrell	Powell
Harris of Archer	Quinn
Hartzog	Reader
Heflin	Reed of Dallas
Herzik	Roark
Holland	Ross
Hoskins	Russell
Howard	Schuenemann
Huddleston	Settle

Sharpe	Thornberry
Shell	Weldon
Stocks	Winfree
Tennant	Wood
Tennyson	

Nays—59

Adkins	Leath
Alsup	Leyendecker
Bates	Loggins
Boethel	Mauritz
Bond	McConnell
Bradford	McFarland
Bridgers	Metcalfe
Cathey	Monkhouse
Davis of Jasper	Newton
Davisson	Nicholson
of Eastland	Prescott
Derden	Reed of Bowie
Dickison	Rhodes
Dollins	Riddle
Fielden	Rutta
Fox	Sewell
Hankamer	Simpson
Hanna	Smith of Hopkins
Hardin	Smith
Harris of Dallas	of Matagorda
Harris of Dickens	Smith of Tarrant
Hull	Stevenson
Hyder	Stinson
Jackson	Talbert
James	Tarwater
Johnson	Thornton
of Tarrant	Vale
Jones of Angelina	Waggoner
Jones of Falls	Walker
Kenyon	Westbrook
Lanning	Worley

Present—Not Voting

Ragsdale

Absent

Cagle	Leonard
Celaya	Little
Dean	Mays
Farmer	McKinney
Gibson	Skaggs

Absent—Excused

Callan	Pope
Knetsch	

The House, accordingly, at 5:10 o'clock p. m., took recess until 7:30 o'clock p. m., today.

## NIGHT SESSION

The House met at 7:30 o'clock p. m., and was called to order by the Speaker.

## LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mr. Nicholson was granted leave of absence for this evening, on account of illness, on motion of Mr. Quinn.

Mr. Jones of Angelina was granted leave of absence for this evening, on account of important business, on motion of Mr. London.

## HOUSE BILL NO. 5 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 5, relating to sale, transportation, etc., of intoxicating liquors, on its passage to engrossment, with committee amendment offered by Mr. Moffett, pending.

Mr. Kern offered the following amendment to the committee amendment:

Amend committee amendment No. 1 to House Bill No. 5, page 23, by striking out lines 7 and 8 and adding:

"It shall be unlawful for any physician to prescribe more than one pint of liquor to any one person in any one day."

Mr. Hardin moved to table the amendment by Mr. Kern.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called and the vote announced as follows:

## Yeas—25

Alexander	Langdon
Bell	Little
Bradford	Morse
Broadfoot	Patterson
Colquitt	of Travis
Fuchs	Reed of Dallas
Hankamer	Roark
Hanna	Russell
Harris of Dallas	Simpson
Jackson	Talbert
Jones of Falls	Vale
Keith	Waggoner
Kenyon	Winfree

## Nays—73

Adkins	Bradbury
Alsup	Brown
Amos	Burton
Bates	Cagle
Beckworth	Carssow
Blankenship	Cathey
Boyer	Cauthorn

Cleveland	McKee
Davis of Haskell	Metcalfe
Davis of Jasper	Moffett
Deglandon	Morris
Dollins	Palmer
Graves	Patterson of Mills
Hamilton	Petsch
Harbin	Powell
Harrell	Prescott
Harris of Archer	Quinn
Herzik	Reader
Hoskins	Reed of Bowie
Huddleston	Rhodes
Hyder	Riddle
Johnson of Ellis	Rutta
Jones of Atascosa	Settle
Jones of Wise	Sewell
Keefe	Sharpe
Kelt	Shell
Kern	Smith of Hopkins
King	Smith
Lankford	of Matagorda
Lanning	Stocks
Leonard	Tarwater
Leyendecker	Tennant
London	Tennyson
Lucas	Thornberry
Mann	Weldon
McConnell	Wood
McCracken	Worley

## Present—Not Voting

## Bridgers

## Absent

Baker	James
Boethel	Johnson
Bond	of Tarrant
Celaya	Leath
Davison of Fisher	Loggins
Davisson	Mauritz
of Eastland	Mays
Dean	McDonald
Derden	McFarland
Dickison	McKinney
England	Monkhouse
Farmer	Newton
Felty	Oliver
Fielden	Ragsdale
Fox	Ross
Gibson	Schuenemann
Hardin	Skaggs
Harper	Smith of Tarrant
Harris of Dickens	Stevenson
Hartzog	Stinson
Heflin	Thornton
Holland	Walker
Howard	Westbrook
Hull	

## Absent—Excused

Callan	Nicholson
Jones of Angelina	Pope
Knetsch	

Mr. Reed of Bowie raised the point of order, that there was not a quorum present.

The Speaker sustained the point of order.

Mr. Reader moved a call of the House for the purpose of securing and maintaining a quorum until House Bill No. 5 is disposed of, and the call was duly ordered.

Mr. Reader moved that the Sergeant-at-Arms be instructed to bring in all absent Members within the city who are not ill.

The motion prevailed.

The roll of the House was called, and a quorum was announced present.

Question again recurring on the motion to table the amendment by Mr. Kern, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—21

Alexander	Jones of Falls
Baker	Keith
Bell	Kenyon
Bridgers	Patterson
Broadfoot	of Travis
Dollins	Reed of Dallas
Hankamer	Roark
Hanna	Simpson
Hardin	Talbert
Harris of Dallas	Thornton
Jackson	Vale

Nays—91

Adkins	Graves
Alsup	Hamilton
Amos	Harbin
Bates	Harper
Beckworth	Harrell
Blankenship	Harris of Archer
Boyer	Heflin
Bradbury	Herzik
Bradford	Holland
Brown	Hoskins
Burton	Huddleston
Cagle	Hyder
Carssow	James
Cathey	Johnson of Ellis
Cauthorn	Jones of Atascosa
Celaya	Jones of Wise
Cleveland	Kelt
Colquitt	Kern
Davis of Haskell	King
Davis of Jasper	Langdon
Deglandon	Lankford
Dickison	Lanning
Felty	Leonard
Fox	Leyendecker
Gibson	Little

London	Ross
Lucas	Russell
Mann	Rutta
Mays	Schuenemann
McConnell	Settle
McCracken	Sewell
McDonald	Sharpe
McKee	Shell
Metcalfe	Smith
Moffett	of Matagorda
Morris	Stinson
Morse	Stocks
Palmer	Tennant
Patterson of Mills	Tennyson
Powell	Thornberry
Prescott	Waggoner
Quinn	Walker
Reader	Weldon
Reed of Bowie	Winfree
Rhodes	Wood
Riddle	Worley

Absent

Boethel	Keefe
Bond	Leath
Davison of Fisher	Loggins
Davisson	Mauritz
of Eastland	McFarland
Dean	McKinney
Derden	Monkhouse
England	Newton
Farmer	Oliver
Fielden	Petsch
Fuchs	Ragsdale
Harris of Dickens	Skaggs
Hartzog	Smith of Hopkins
Howard	Smith of Tarrant
Hull	Stevenson
Johnson	Tarwater
of Tarrant	Westbrook

Absent—Excused

Callan	Nicholson
Jones of Angelina	Pope
Knetsch	

Question then recurring on the amendment by Mr. Kern, it was adopted.

Mr. McFarland offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 5, by changing the period at the end of line 24, page 32, to a semi-colon and inserting the following:

"Provided, however, any holder of a permit as a retail dealer as that term is defined herein shall be held liable for any tax due on any liquor sold on which the tax has not been paid."

The amendment was adopted.

Mr. Patterson of Travis offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 5, by striking out the period in line 17, page 17, and insert in lieu thereof a comma, and add the following: "except the annual fee for a package store outside of any incorporated city or town and within two miles of the corporate limits shall be the same as the fee required in said incorporated city or town".

PATTERSON of Travis,  
WALKER.

The amendment was adopted.

Mr. Hardin moved the previous question on the pending amendment, and the passage of House Bill No. 5 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

Mr. Graves offered the following amendment to the committee amendment:

Amend committee amendment for House Bill No. 5, by striking out Section 3a, pages 49 and 50 and inserting in lieu thereof:

"(a). A Manufacturer's License shall authorize the holder thereof to manufacture or brew beer and to distribute and sell same to others in unbroken original packages. Annual State fee for a Manufacturer's License shall be Five Hundred (\$500.00) Dollars."

GRAVES,  
LEONARD,  
FELTY,  
MORSE,  
STEVENSON,  
HANKAMER,  
PETSCH,  
ALEXANDER,  
KNETSCH,  
THORNTON,  
HARTZOG,  
HOSKINS,  
READER.

Mr. Keefe raised a point of order, on further consideration of the amendment by Mr. Graves, on the ground that the House has heretofore defeated an amendment of similar nature.

The Speaker overruled the point of order.

Mr. Harbin moved the previous question on the pending amendment

by Mr. Graves and others, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The motion was lost by the following vote:

#### Yeas—61

Adkins	Metcalf
Amos	Moffett
Baker	Monkhouse
Bates	Morris
Beckworth	Morse
Bradbury	Oliver
Bradford	Palmer
Broadfoot	Patterson of Mills
Brown	Patterson
Burton	of Travis
Cathey	Prescott
Davis of Haskell	Quinn
Davis of Jasper	Reader
Deglandon	Reed of Bowie
Derden	Rhodes
England	Riddle
Fox	Ross
Hamilton	Russell
Harbin	Rutta
Harper	Schuenemann
Harris of Archer	Sewell
Harris of Dickens	Sharpe
Huddleston	Skaggs
Jones of Atascosa	Smith of Hopkins
Kelt	Smith
Kern	of Matagorda
King	Stocks
Lankford	Tennyson
London	Vale
Lucas	Weldon
Mauritz	Westbrook
McFarland	

#### Nays—65

Alexander	Harris of Dallas
Alsup	Hartzog
Bell	Heflin
Blankenship	Herzik
Boethel	Holland
Boyer	Hoskins
Bridgers	Hull
Cagle	Hyder
Carssow	Jackson
Cauthorn	James
Celaya	Johnson of Ellis
Colquitt	Johnson
Davisson	of Tarrant
of Eastland	Jones of Falls
Dickison	Jones of Wise
Dollins	Keefe
Felty	Keith
Gibson	Kenyon
Graves	Langdon
Hankamer	Lanning
Hanna	Leath
Hardin	Leonard



Leyendecker	Smith of Tarrant
Little	Stevenson
Loggins	Stinson
McConnell	Talbert
McDonald	Tennant
McKee	Thornberry
Petsch	Thornton
Powell	Waggoner
Reed of Dallas	Walker
Roark	Winfree
Settle	Worley
Simpson	

## Absent

Bond	Mann
Cleveland	Mays
Davison of Fisher	McCracken
Dean	McKinney
Farmer	Newton
Fielden	Ragsdale
Fuchs	Shell
Harrell	Tarwater
Howard	Wood

## Absent—Excused

Callan	Nicholson
Jones of Angelina	Pope
Knetsch	

Mr. Holland moved the previous question on the pending amendment by Mr. Graves, and the main question was ordered.

Mr. Derden moved to reconsider the vote by which the main question was ordered.

The motion to reconsider was lost.

Question then recurring on the amendment by Mr. Graves, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 59; nays, 66.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

## Yeas—59

Adkins	Deglandon
Alexander	Dickison
Alsup	Felty
Beckworth	Fox
Boethel	Gibson
Bridgers	Graves
Broadfoot	Hankamer
Burton	Hardin
Carssow	Harper
Cleveland	Harris of Archer
Colquitt	Hartzog
Davis of Haskell	Hyder
Dean	Jackson

James	Petsch
Jones of Atascosa	Reader
Jones of Falls	Rhodes
Kenyon	Riddle
Lanning	Ross
Leonard	Rutta
Leyendecker	Settle
Loggins	Sewell
McCracken	Sharpe
McDonald	Simpson
Metcalfe	Stevenson
Moffett	Stocks
Monkhouse	Talbert
Morse	Tennant
Palmer	Tennyson
Patterson	Thornton
of Travis	Waggoner

## Nays—65

Amos	Kern
Baker	King
Bates	Langdon
Bell	Lankford
Blankenship	Little
Boyer	London
Bradbury	Lucas
Brown	Mauritz
Cagle	Mays
Cathey	McConnell
Cauthorn	Morris
Celaya	Oliver
Davis of Jasper	Patterson of Mills
Davison	Powell
of Eastland	Prescott
Derden	Quinn
Dollins	Reed of Bowie
England	Reed of Dallas
Hamilton	Roark
Hanna	Russell
Harbin	Shell
Harrell	Skaggs
Harris of Dallas	Smith of Hopkins
Harris of Dickens	Smith
Heflin	of Matagorda
Holland	Smith of Tarrant
Huddleston	Stinson
Johnson of Ellis	Thornberry
Johnson	Vale
of Tarrant	Walker
Jones of Wise	Weldon
Keefe	Westbrook
Keith	Winfree
Kelt	Wood

## Present—Not Voting

Hull	Worley
Schuenemann	

## Absent

Bond	Fuchs
Bradford	Herzik
Davison of Fisher	Hoskins
Farmer	Howard
Fielden	Leath

Mann	Newton
McFarland	Ragsdale
McKinney	Tarwater

## Absent—Excused

Callan	McKee
Jones of Angelina	Nicholson
Knetsch	Pope

## PAIRED

Mr. Schuenemann (present), who would vote "yea", with Mr. Fuchs (absent), who would vote "nay".

Mr. Worley (present), who would vote "nay", with Mr. Fielden (absent), who would vote "yea".

The Speaker announced that the amendment was lost.

Mr. Shell moved to reconsider the vote by which the amendment by Mr. Graves was lost.

Mr. Roark moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 65; nays, 64.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

## Yeas—66

Amos	Johnson of Ellis
Baker	Jones of Wise
Bates	Keefe
Bell	Keith
Blankenship	Kelt
Boethel	Kern
Boyer	King
Bradbury	Langdon
Brown	Lankford
Cathey	Leyendecker
Celaya	Little
Davis of Jasper	Loggins
Davisson	London
of Eastland	Lucas
Derden	Mauritz
Dollins	Mays
England	McConnell
Hamilton	Morris
Hanna	Oliver
Harbin	Palmer
Harrell	Patterson of Mills
Harris of Dallas	Powell
Harris of Dickens	Quinn
Heflin	Reed of Bowie
Holland	Reed of Dallas
Huddleston	Roark

Russell	Vale
Skaggs	Waggoner
Smith of Hopkins	Walker
Smith	Weldon
of Matagorda	Westbrook
Smith of Tarrant	Winfree
Stinson	Wood
Thornberry	Worley

## Nays—64

Adkins	Jones of Falls
Alexander	Kenyon
Alsup	Lanning
Beckworth	Leath
Bond	Leonard
Bridgers	McCracken
Broadfoot	McDonald
Burton	McKee
Carssow	Metcalf
Cauthorn	Moffett
Cleveland	Monkhouse
Colquitt	Morse
Davis of Haskell	Patterson
Dean	of Travis
Deglandon	Petsch
Dickison	Prescott
Felty	Reader
Fielden	Rhodes
Fox	Riddle
Gibson	Ross
Graves	Rutta
Hankamer	Schuenemann
Hardin	Settle
Harper	Sewell
Harris of Archer	Sharpe
Hartzog	Shell
Hoskins	Simpson
Hyder	Stevenson
Jackson	Stocks
James	Talbert
Johnson	Tennant
of Tarrant	Tennyson
Jones of Atascosa	Thornton

## Absent

Bradford	Hull
Cagle	Mann
Davison of Fisher	McFarland
Farmer	McKinney
Fuchs	Newton
Herzik	Ragsdale
Howard	Tarwater

## Absent—Excused

Callan	Nicholson
Jones of Angelina	Pope
Knetsch	

The Speaker announced that the motion to table prevailed.

Mr. Roark moved the previous question on the pending committee amendment, and the passage of House

Bill No. 5 to engrossment, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 72; nays, 71.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

## Yeas—71

Adkins	Kern
Alsup	King
Amos	Langdon
Baker	Lankford
Bates	Little
Beckworth	London
Blankenship	Lucas
Boyer	Mauritz
Bradbury	Mays
Bradford	McConnell
Brown	Metcalf
Burton	Moffett
Cagle	Morris
Cathey	Oliver
Cleveland	Palmer
Davis of Jasper	Patterson of Mills
Deglandon	Prescott
Derden	Quinn
Dollins	Riddle
England	Roark
Fielden	Ross
Fox	Russell
Graves	Sharpe
Hamilton	Smith of Hopkins
Harper	Smith
Harrell	of Matagorda
Harris of Archer	Stocks
Harris of Dickens	Talbert
Huddleston	Tarwater
James	Tennyson
Johnson of Ellis	Thornberry
Jones of Atascosa	Vale
Jones of Wise	Waggoner
Keefe	Weldon
Keith	Westbrook
Kelt	Worley

## Nays—68

Alexander	Davis of Haskell
Bell	Davison of Fisher
Boethel	Davison
Bond	of Eastland
Bridgers	Dean
Broadfoot	Dickson
Carssow	Felty
Cauthorn	Fuchs
Celaya	Gibson
Colquitt	Hankamer

Hanna	Monkhouse
Harbin	Morse
Hardin	Patterson
Harris of Dallas	of Travis
Hartzog	Petsch
Heflin	Powell
Herzik	Reader
Holland	Reed of Bowie
Hoskins	Reed of Dallas
Howard	Rhodes
Hull	Rutta
Hyder	Schuenemann
Jackson	Settle
Johnson	Sewell
of Tarrant	Shell
Jones of Falls	Simpson
Kenyon	Skaggs
Lanning	Smith of Tarrant
Leath	Stevenson
Leonard	Stinson
Leyendecker	Tennant
Loggins	Thornton
Mann	Walker
McCracken	Winfree
McDonald	Wood
McKee	

## Absent

Farmer	Newton
McFarland	Ragsdale
McKinney	

## Absent—Excused

Callan	Nicholson
Jones of Angelina	Pope
Knetsch	

The Speaker announced that the motion for the main question prevailed.

Mr. James moved to reconsider the vote by which the main question was ordered.

Mr. Moffett moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 73; nays, 68.

Mr. Howard requested a verification of the vote.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

## Yeas—73

Adkins	Blankenship
Alsup	Boyer
Amos	Bradbury
Baker	Bradford
Bates	Broadfoot
Beckworth	Brown

Burton	Little
Cagle	London
Cathey	Lucas
Cleveland	Mauritz
Davis of Haskell	Mays
Davis of Jasper	McConnell
Davison of Fisher	McKee
Deglandon	Metcalfe
Derden	Moffett
Dollins	Morris
England	Oliver
Fielden	Patterson of Mills
Fox	Petsch
Graves	Quinn
Hamilton	Riddle
Hanna	Roark
Harper	Ross
Harrell	Russell
Harris of Archer	Sewell
Harris of Dickens	Smith of Hopkins
Huddleston	Smith
Johnson of Ellis	of Matagorda
Jones of Atascosa	Talbert
Jones of Wise	Tarwater
Keefe	Tennyson
Keith	Thornberry
Kelt	Waggoner
Kern	Walker
King	Weldon
Langdon	Westbrook
Lankford	Worley

## Nays—66

Alexander	Jones of Falls
Bell	Kenyon
Boethel	Lanning
Bond	Leath
Bridgers	Leonard
Carsow	Leyendecker
Cauthorn	Loggins
Celaya	Mann
Colquitt	McCracken
Davison	McDonald
of Eastland	Monkhouse
Dean	Morse
Dickison	Palmer
Felty	Patterson
Fuchs	of Travis
Gibson	Powell
Hankamer	Prescott
Harbin	Reader
Hardin	Reed of Bowie
Harris of Dallas	Reed of Dallas
Hartzog	Rhodes
Heflin	Rutta
Herzik	Schuenemann
Holland	Settle
Hoskins	Sharpe
Howard	Shell
Hull	Simpson
Hyder	Skaggs
Jackson	Smith of Tarrant
James	Stevenson
Johnson	Stinson
of Tarrant	Stocks

Tennant	Winfree
Thornton	Wood
Vale	

## Absent

Farmer	Newton
McFarland	Ragsdale
McKinney	

## Absent—Excused

Callan	Nicholson
Jones of Angelina	Pope
Knetsch	

The Speaker announced that the motion to table the motion to reconsider prevailed.

Question then recurring on the committee amendment, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 5 was then passed to engrossment.

Mr. Morse moved to reconsider the vote by which House Bill No. 5 was passed to engrossment.

Mr. Moffett moved to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 70; nays, 68.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

## Yeas—69

Mr. Speaker	Deglandon
Adkins	Derden
Amos	England
Beckworth	Fielden
Blankenship	Fox
Bond	Graves
Boyer	Hamilton
Bradbury	Hanna
Bradford	Harper
Broadfoot	Harrell
Brown	Harris of Archer
Burton	Huddleston
Cagle	Jones of Atascosa
Cathey	Jones of Wise
Cleveland	Keefe
Davis of Haskell	Keith
Davis of Jasper	Kelt
Davison	Kern
of Eastland	King

Langdon	Reed of Bowie
Lankford	Ross
Lanning	Russell
Little	Sewell
London	Sharpe
Lucas	Smith of Hopkins
Mauritz	Smith
Mays	of Matagorda
McConnell	Stocks
Metcalfe	Tarwater
Moffett	Tennyson
Morris	Thornberry
Oliver	Walker
Palmer	Weldon
Patterson of Mills	Westbrook
Petsch	Worley
Quinn	

## Nays—68

Alexander	Kenyon
Alsup	Leath
Baker	Leonard
Bell	Leyendecker
Boethel	Loggins
Bridgers	Mann
Carssow	McCracken
Cauthorn	McDonald
Celaya	McKee
Colquitt	Monkhouse
Davison of Fisher	Morse
Dean	Patterson
Dickison	of Travis
Dollins	Powell
Felty	Prescott
Fuchs	Reader
Gibson	Reed of Dallas
Hankamer	Rhodes
Harbin	Roark
Hardin	Rutta
Harris of Dallas	Schuenemann
Hartzog	Settle
Heflin	Shell
Herzik	Simpson
Holland	Skaggs
Hoskins	Smith of Tarrant
Howard	Stevenson
Hull	Stinson
Hyder	Talbert
Jackson	Tennant
James	Thornton
Johnson of Ellis	Vale
Johnson	Waggoner
of Tarrant	Winfree
Jones of Falls	Wood

## Absent

Bates	McKinney
Farmer	Newton
Harris of Dickens	Ragsdale
McFarland	Riddle

## Absent—Excused

Callan	Nicholson
Jones of Angelina	Pope
Knetsch	

The Speaker announced that the motion to table the motion to reconsider prevailed.

## HOUSE BILL NO. 5 ON THIRD READING

Mr. Moffett moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—115

Adkins	Holland
Alexander	Huddleston
Alsup	Hull
Amos	James
Baker	Johnson of Ellis
Rates	Jones of Atascosa
Beckworth	Jones of Falls
Bell	Jones of Wise
Blankenship	Keefe
Boethel	Keith
Bond	Kelt
Bradbury	Kern
Bradford	King
Broadfoot	Langdon
Brown	Langford
Burton	Lanning
Cagle	Leyendecker
Carssow	Loggins
Cathey	London
Cauthorn	Lucas
Cleveland	Mann
Colquitt	Mauritz
Davis of Haskell	Mays
Davis of Jasper	McConnell
Davison of Fisher	McCracken
Davison	McDonald
of Eastland	McKee
Dean	Metcalfe
Deglandon	Moffett
Derden	Morris
Dollins	Morse
England	Oliver
Felty	Palmer
Fielden	Patterson of Mills
Fox	Patterson
Fuchs	of Travis
Gibson	Petsch
Graves	Prescott
Hamilton	Quinn
Hanna	Reader
Harbin	Reed of Bowie
Harper	Reed of Dallas
Harrell	Rhodes
Harris of Archer	Riddle
Harris of Dallas	Roark
Harris of Dickens	Ross
Heflin	Russell
Herzik	Rutta

Sewell	Tarwater
Sharpe	Tennant
Skaggs	Tennyson
Smith of Hopkins	Thornberry
Smith	Waggoner
of Matagorda	Walker
Smith of Tarrant	Weldon
Stevenson	Westbrook
Stinson	Winfree
Stocks	Wood
Talbert	Worley

## Nays—22

Boyer	Kenyon
Bridgers	Leath
Dickison	Leonard
Hankamer	Little
Hardin	Monkhouse
Hartzog	Powell
Hoskins	Schuenemann
Howard	Settle
Hyder	Shell
Jackson	Simpson
Johnson	Thornton
of Tarrant	

## Absent

Celaya	Newton
Farmer	Ragsdale
McFarland	Vale
McKinney	

## Absent—Excused

Callan	Nicholson
Jones of Angelina	Pope
Knetsch	

The Speaker then laid House Bill No. 5 before the House on third reading and final passage.

The bill was read third time.

Mr. Jones of Wise offered the following amendment to the bill:

"Amend House Bill No. 5, page 23, by striking out the last paragraph of Section 16."

Mr. Quinn moved the previous question on the pending amendment, and the passage of House Bill No. 5, and the main question was ordered.

Question then recurring on the amendment by Mr. Jones of Wise, yeas and nays were demanded.

The amendment was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—76

Adkins	Beckworth
Alsup	Bell
Amos	Blankenship
Baker	Bond
Bates	Bradford

Broadfoot	Lucas
Burton	Mauritz
Carssow	Mays
Cauthorn	McConnell
Cleveland	McDonald
Davis of Haskell	Morris
Davis of Jasper	Morse
Davisson	Oliver
of Eastland	Palmer
Deglandon	Patterson of Mills
Derden	Petsch
England	Quinn
Fuchs	Reed of Bowie
Graves	Rhodes
Hamilton	Roark
Harbin	Ross
Harper	Russell
Harrell	Rutta
Harris of Archer	Sewell
Heflin	Sharpe
Holland	Simpson
Huddleston	Skaggs
James	Smith
Johnson of Ellis	of Matagorda
Jones of Atascosa	Stevenson
Jones of Wise	Stocks
Keefe	Tarwater
Kelt	Tennyson
Kern	Thornberry
King	Waggoner
Langdon	Walker
Lankford	Weldon
Lanning	Westbrook
London	Winfree

## Nays—56

Alexander	Kenyon
Boethel	Leath
Boyer	Leonard
Bradbury	Leyendecker
Celaya	Little
Colquitt	Loggins
Davison of Fisher	Mann
Dean	McCracken
Dickison	McKee
Dollins	Metcalfe
Felty	Moffett
Fielden	Monkhouse
Fox	Patterson
Gibson	of Travis
Hankamer	Powell
Hardin	Prescott
Harris of Dallas	Reader
Harris of Dickens	Reed of Dallas
Hartzog	Schuenemann
Herzik	Settle
Hoskins	Shell
Howard	Smith of Tarrant
Hull	Stinson
Hyder	Talbert
Jackson	Tennant
Johnson	Thornton
of Tarrant	Vale
Jones of Falls	Wood
Keith	Worley

Present—Not Voting	
Bridgers	
Absent	
Brown	McKinney
Cagle	Newton
Cathey	Ragsdale
Farmer	Riddle
Hanna	Smith of Hopkins
McFarland	
Absent—Excused	
Callan	Nicholson
Jones of Angelina	Pope
Knetsch	

House Bill No. 5 was then passed by the following vote:

Yeas—120	
Adkins	Herzik
Alexander	Holland
Alsup	Hoskins
Amos	Huddleston
Baker	Hull
Bates	James
Beckworth	Johnson of Ellis
Bell	Johnson
Blankenship	of Tarrant
Boethel	Jones of Atascosa
Bond	Jones of Falls
Bradbury	Jones of Wise
Broadfoot	Keefe
Brown	Keith
Burton	Kelt
Cagle	Kern
Carssow	King
Cathey	Langdon
Cauthorn	Lankford
Cleveland	Lanning
Colquitt	Leath
Davis of Haskell	Leyendecker
Davis of Jasper	Loggins
Davison of Fisher	London
Davisson	Lucas
of Eastland	Mann
Deglandon	Mauritz
Derden	Mays
Dollins	McConnell
England	McCracken
Felty	McDonald
Fielden	McKee
Fox	Metcalfe
Fuchs	Moffett
Gibson	Monkhouse
Graves	Morris
Hamilton	Morse
Hanna	Oliver
Harbin	Palmer
Harper	Patterson of Mills
Harrell	Patterson
Harris of Archer	of Travis
Harris of Dickens	Petsch
Heflin	Powell

Prescott	Smith
Quinn	of Matagorda
Reader	Stevenson
Reed of Bowie	Stinson
Reed of Dallas	Stocks
Rhodes	Talbert
Riddle	Tarwater
Roark	Tennant
Ross	Tennyson
Russell	Thornberry
Rutta	Vale
Schuenemann	Waggoner
Settle	Walker
Sewell	Weldon
Sharpe	Westbrook
Shell	Winfree
Simpson	Wood
Skaggs	Worley

Nays—17	
Boyer	Hartzog
Bradford	Howard
Bridgers	Hyder
Celaya	Jackson
Dean	Kenyon
Dickison	Leonard
Hankamer	Smith of Tarrant
Hardin	Thornton
Harris of Dallas	
Absent	
Farmer	Newton
Little	Ragsdale
McFarland	Smith of Hopkins
McKinney	

Absent—Excused	
Callan	Nicholson
Jones of Angelina	Pope
Knetsch	

#### REASONS FOR VOTES ON HOUSE BILL NO. 5

We voted against the engrossment of House Bill No. 5, as amended, the suspension of the Constitutional Rule thereon, and the final passage thereof, because of the fact that the bill represents the united efforts of those who represent a minority of the people of the State in their efforts to defeat the effect of repeal of Constitutional Prohibition and thereby substitute Statutory Prohibition in lieu of Constitutional Prohibition and serves to thwart the will of the people expressed at the polls in 1935, and by its provisions will serve to encourage rather than discourage intemperance and by its terms will increase rather than decrease the activities of the bootlegger, and will, by its unreasonable restrictions, de-

prive the State of Texas of the much needed revenue from the sale of distilled liquors which was anticipated to be forthcoming at the time the citizens of Texas voted for repeal of State Constitutional Prohibition in 1935, and, further, we are of opinion that this bill represents one of the greatest legislative frauds ever perpetrated upon the people of the State of Texas.

HANKAMER,  
BRIDGERS,  
JACKSON.

#### ADJOURNMENT

On motion of Mr. Mays, the House, at 11:10 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

#### APPENDIX

#### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Counties: Senate Bill No. 472.

Criminal Jurisprudence: Senate Bill No. 397.

Judicial Districts: Senate Bill No. 465.

State Affairs: House Bill No. 1136.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, April 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 104, Inviting the Honorable Franklin Delano Roosevelt to address a Joint Session of the Legislature on a date and time suitable to his convenience.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 22, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1131, A bill to be entitled "An Act creating the Harris County Flood Control District in Harris

County, Texas, and defining its powers; designating the Commissioners Court as the governing body of such District and defining the powers of such Court in connection therewith; providing for the filing of a petition for the issuance of bonds, notice of hearing thereon, for an election therefor, and the procedure; limiting the tax rate in support of bonds voted; providing for the issuance of bonds and the manner and form thereof and the procedure in connection with the issuance, registration, approval, and sale thereof; defining the duties of the various officials of Harris County; providing that State Laws applicable to contracts and accounting for funds shall apply to such District; making the Act cumulative of other laws; providing for the use of public property by such District; granting the right of eminent domain; providing laws relating to assessing and collecting State and County Current and Delinquent Taxes shall apply to said District; providing that if any provision of this Act shall be held invalid or unconstitutional the other provisions shall not be affected; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 126, A bill to be entitled "An Act providing that county courts without the necessity of trial by jury may temporarily commit mentally-ill persons not charged with criminal offense to State mental hospitals, for not exceeding ninety days for observation and/or treatment; providing temporary commitment may also be made to United States Veterans Bureau and other United States Government operated hospitals in those cases where such agency of the United States will accept such mentally-ill persons; providing the adjudication of mental illness, the temporary commitment of persons so afflicted, and their discharge, furlough and release; providing for the payment of their transportation, support and treatment charges protecting



property rights; providing that if any portion of the Act is declared unconstitutional and invalid it shall not affect the remaining parts, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 22, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 108, A bill to be entitled "An Act making it unlawful for the fraudulent taking of any cotton or cottonseed; making such an offense a felony; providing punishment therefor, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 260, A bill to be entitled "An Act amending Article 5142A of the Revised Civil Statutes of Texas as adopted by the Forty-second Legislature, Acts, 1931, page 759, Chapter 302, paragraph 1, concerning the qualifications, duties, appointments, salaries, and removal of Probation Officers, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 22, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 356, A bill to be entitled "An Act to amend Article 4202 of Chapter 8 of Title 69, of the Revised Civil Statutes of 1925, of the State of Texas regulating the sales of real estate by guardians."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 411, A bill to be entitled "An Act amending Chapter 2, Title 34, Revised Civil Statutes of Texas, 1925, by adding thereto a new article to be known as Article 1676-B; defining certain words, terms and phrases for the purpose of this Act including 'political subdivisions'; providing that the governing body of any political subdivision of this State shall prepare or cause to be prepared semi-annually a report of all transactions during each half of each year, concerning the finances of such political subdivision; providing that the governing body of each political subdivision shall examine, correct and approve such reports and shall cause such reports to be published in a newspaper; providing the time and manner in which such reports shall be prepared, examined, corrected, approved and published and the subject matter of such reports; providing the manner in which newspapers shall be compensated for publishing such reports outlining duty of officers, officials and employees in preparation of such reports; repealing all laws in conflict herewith; providing that if any portion of this law shall be held unconstitutional that the remainder of the law shall remain in full force and effect; and providing penalties for the violation or failure of any official, officer, or employee to comply with the provisions of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 543, A bill to be entitled "An Act to amend Article 1986 of the Revised Civil Statutes of Texas, 1925, so as to provide for the joinder of more than one plaintiff in one cause of action under the conditions set out in the terms of the Act, and providing for an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 645, A bill to be entitled "An Act to better safeguard the health of the people of the State of Texas by making it unlawful to serve food in improperly cleaned or unsterilized dishes or utensils; and providing rules for cleaning and sterilizing dishes or utensils; and prohibiting the use of cracked or broken dishes and utensils and unlaundered napkins and unprotected napkins, straws and other articles commonly used in eating and drinking; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 646, A bill to be entitled "An Act providing that persons, firms or corporations, who operate or conduct hotels, cafes, restaurants, dining cars or other public eating places, bakeries and meat markets in this State shall not work, employ or keep in their employ any person who is infected with or affected by any infectious or contagious disease; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 651, A bill to be entitled "An Act amending Article 6205, Revised Civil Statutes of Texas, 1925, as amended by Section 2 of Chapter 262, Acts, Regular Session of the Forty-second Legislature, 1931, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 663, A bill to be entitled "An Act providing for the beginning of the terms of certain State and District offices of the State of Texas, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 669, A bill to be entitled "An Act repealing Article 726a, Chapter 3 of the Penal Code, being page 52, Chapter 29, of the General and Special Laws of the Forty-third Legislature, Third Called Session, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 688, A bill to be entitled "An Act making it lawful for any member of a duly organized state, county or municipal peace unit of another State of the United States who enters into and continues within this State in close pursuit of a person in order to arrest him on ground that he has committed a felony in such other state, to have the same authority to arrest and hold in custody such person, as similar authorities of this State have under the same circumstances; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 689, A bill to be entitled "An Act providing the summoning of

witness in this State to testify in another state; defining certain terms and words; declaring the manner in which judge of out-of-state court may make certificate to judge of court in this State for the procurement of witness; providing the circumstances under which witness may go; . . . etc., providing the effective date."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 713, A bill to be entitled "An Act to provide liens for services rendered by persons, firms, and corporations with whom articles of wearing apparel and garments have been placed to be repaired, altered, dyed, cleaned or pressed, or laundered and authorizing the sale thereof to pay charges for such services, and for the disposition of proceeds of such sales, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 705, A bill to be entitled "An Act providing for the jurisdiction of the County Court of Crosby County, conferring upon said Court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said Court; conforming the jurisdiction of the District and Justice Courts of said County to such change; repealing all laws in conflict with this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 727, A bill to be entitled "An Act to amend Article 1055 of the Code of Criminal Procedure of

Texas relating to the fees paid constables, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 746, A bill to be entitled "An Act to prohibit fraternities, sororities, and secret societies in the public schools of the State, to provide for the enforcement of same, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 842, A bill to be entitled "An Act to amend Articles 6890 and 6898 of the Revised Statutes of Texas, so as to require every person having cattle, hogs, sheep, or goats to brand or ear-mark the same and to register such brand or ear-mark with the County Clerk of the county where such cattle, hogs, sheep or goats shall be and in certain other counties, on or before January 1, 1938, and every five years thereafter, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 881, A bill to be entitled "An Act adding a new Article to the Revised Civil Statutes of Texas, 1925, to be known as Article 6954-a, providing a method for holding elections to determine whether turkeys shall be permitted to run at large in political subdivisions of Guadalupe, Hardeman, Gonzales, Wise and Eastland Counties; providing that if the freeholders of any such political subdivision determine, at an election called for the purpose, to prevent turkeys from running at large in such Counties, the

provisions of Articles 6957 to 6971, inclusive, shall be applicable thereto, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 937, A bill to be entitled "An Act providing that if any person shall enclose or shall remove the fence from the enclosure or any part thereof of any cemetery or burial ground with the purpose or intent to use such cemetery or burial ground for any other use or purpose he shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not to exceed Two Hundred Dollars, or by imprisonment in the county jail or by both such fine and imprisonment, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 999, A bill to be entitled "An Act validating the incorporation of certain cities and towns of more than six hundred (600) and less than two thousand (2,000) inhabitants, which have heretofore incorporated under the General Laws of Texas, Title 28, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1011, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a popula-

tion of not fewer than seven thousand and eighty (7,080) and not more than seven thousand two hundred and fifty (7,250) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1016, A bill to be entitled "An Act amending Section 6 of Article 64A of the Revised Civil Statutes of Texas, Acts, 1931, Forty-second Legislature, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1037, A bill to be entitled "An Act to validate all consolidations or attempts at consolidation of a common school district or districts with a contiguous independent school district created by General or Special Law, after elections held under Article 2806, Title 49, Revised Civil Statutes of Texas, 1925, and amendments thereto, after a majority of the voters in each of said districts voted in favor of such consolidation; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1049, A bill to be entitled "An Act to amend Article 2687, Revised Civil Statutes of Texas, 1925, prescribing the time of meeting of the County Board of School Trustees: (a) in counties containing a population of not less than forty-eight thousand, five hundred and sixty (48,560) and

not more than forty-eight thousand, six hundred and sixty-five (48,665) population, (b) in counties containing a population of not less than thirty thousand, and twenty (30,020) and not more than thirty thousand, one hundred and twenty-five (30,125) population, (c) in counties containing a population of not less than ten thousand, three hundred and seventy (10,370) and not more than ten thousand, four hundred and seventy-five (10,475) population, according to the last preceding Federal Census; providing for their compensation; providing the fund from which same shall be paid; providing this Act shall be cumulative of all existing laws on this subject but this Act shall apply where in conflict therewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1065, A bill to be entitled "An Act to amend Section 12, Senate Bill No. 248, Chapter 95, Acts of the Regular Session of the Forty-fourth Legislature so as to extend the time of existence of the special Ninth District Court of Montgomery, Polk, and San Jacinto Counties, Texas."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1070, A bill to be entitled "An Act declaring it unlawful to take, hunt, trap, shoot or kill any wild pheasant in Smith County, Texas, for a period of three years; prescribing penalty for the violation of the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1073, A bill to be entitled "An Act amending Article 5135, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1074, A bill to be entitled "An Act to change and prescribe the time for holding district court of the Ninth Judicial District of the State of Texas; and to conform all writs and processes of such court to such changes, and make all writs and processes issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court in the several counties in said District, as herein fixed, and to validate the summoning of grand and petit jurors, and juries; and providing for the continuation of court in session in said District when this Act takes effect, to the end of its term; and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1075, A bill to be entitled "An Act amending Chapter 174, Special Laws of the Forty-second Legislature, Regular Session, by adding thereto a new section to be known as Article 3883 (c), fixing the maximum fee to be retained by the County Clerk in counties containing a population of not less than 10,370 nor more than 10,475, according to the last preceding Federal Census, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1077, A bill to be entitled "An Act making it unlawful for any person or persons to take fish from the waters of Caddo Lake of the Counties of Harrison and Marion by use of a trout line on which hooks are less than three feet apart; providing a penalty, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1081, A bill to be entitled "An Act making it unlawful to trap, snare, shoot, catch or kill any wild fox in Bell County for a period of two (2) years, providing a penalty, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1085, A bill to be entitled "An Act to amend Subdivision 36 of Article 7047 of the Revised Civil Statutes of 1925, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1086, A bill to be entitled "An Act amending Section 2 of Article 3883, Revised Civil Statutes of Texas, 1925, as amended by Chapter 20, Acts of the Forty-first Legislature, Fourth Called Session as amended by Chapter 340, Acts of the Forty-second Legislature, Regular Session, as amended by Chapter 220,

Acts of the Forty-third Legislature, Regular Session, by providing that in counties containing not less than 29,500 nor more than 30,000 population according to the last preceding Federal Census the Justice of the Peace shall be allowed to retain out of the fees collected by such officer the sum of Twenty-four Hundred (\$2,400.00) Dollars, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives,

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1087, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for school purposes in all independent school districts which include within their limits a city or town which according to the latest Federal Census had a population of not fewer than ten thousand (10,000) and not more than fifteen thousand (15,000) inhabitants, whether organized under General or Special Law; repealing all laws in conflict herewith, both General and Special, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1092, A bill to be entitled "An Act amending Articles 1961 and 1962, Revised Civil Statutes of the State of Texas as enacted in 1925, so as to provide for the Regular Term of the County Court for Probate Business as opening on each Monday of each week during the year and repealing the authority of the Commissioners Court to establish terms of the probate court; repealing Article 1963, Revised Civil Statutes of Texas as enacted in 1925; and providing for the validation of all judgments rendered at other than regular terms of the Probate Court, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1093, A bill to be entitled "An Act creating a special road law for Motley County, Texas, providing that said County may fund or refund the indebtedness outstanding against its road and bridge fund as of January 11, 1937, by the issuance of funding bonds, and setting forth the method of operation; providing that the general laws pertaining to roads and bridges shall be applicable to said County, when not in conflict with the provisions hereof; repealing all laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1103, A bill to be entitled "An Act amending Section 5 of Chapter 41, Special Laws of the Forty-fourth Legislature, Regular Session, same being House Bill No. 641, by providing that there shall be a closed season on fishing in the waters of Medina Lake in Bandera County, Texas, during the months of February, March and April of each year, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1108, A bill to be entitled "An Act amending Article 2327, Revised Civil Statutes of Texas, 1925, as amended by Chapter 59, Acts of the Forty-first Legislature, Second Called Session, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1111, A bill to be entitled "An Act amending Subsection 2 of Article 3902, Revised Civil Statutes of Texas, 1925, as amended by Acts of the Forty-first Legislature, First Called Session, Chapter 92; as amended by Acts of the Forty-second Legislature, Chapter 214; as amended by Acts of the Forty-third Legislature, Chapter 220, paragraph 3; as amended by Acts of the Forty-third Legislature, Second Called Session, Chapter 59, paragraph 2; as amended by Acts of the Forty-third Legislature, Third Called Session, Chapter 63, paragraph 1; as amended by Acts of the Forty-fourth Legislature, Chapter 282, paragraph 1; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1112, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring or killing of any wild deer, buck, doe or fawn or wild quail within the confines of Commissioners' Precinct No. Three, Wharton County, Texas, for a period of five years; prescribing a penalty for the violation of the provisions of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1114, A bill to be entitled "An Act making it unlawful for any person to catch or take or attempt to take or catch catfish of less length than nine (9) inches in Burnet County; providing a penalty, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1115, A bill to be entitled "An Act to validate the organization and creation of all county line rural high school districts, created by General Law or by County Boards of Trustees; validating the Acts of said County Boards of Trustees and Boards of Trustees of such districts; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1116, A bill to be entitled "An Act making it unlawful for any citizen of this State not a resident of McLennan County to catch or attempt to catch any fish from the waters of McLennan County without having first procured a fishing license, excepting those under seventeen (17) years of age; . . . etc., and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1117, A bill to be entitled "An Act making it unlawful for any citizen of this State to hunt with a gun in McLennan County without first procuring a General Hunting License and providing certain exemptions; providing the fees for such licenses and the fee to be retained by the collecting officer; providing the disposition of funds collected under this Act; providing a penalty for any violation of this Act; declaring an emergency and the effective date of this Act."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1118, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for the purpose of maintaining the public schools and issuing of bonds in common school districts having a taxable valuation of One Million Five Hundred Thousand (\$1,500,000.00) Dollars or less, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1120, A bill to be entitled "An Act fixing the salary of County Commissioners in all counties having an assessed valuation of not less than \$16,000,000.00 nor more than \$17,000,000.00, and containing a population of not less than 19,000 nor more than 19,900 according to the last Federal Census; repealing all laws in conflict therewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1122, A bill to be entitled "An Act amending Article 1645, Revised Civil Statutes of Texas, 1925, as amended by Chapter 35, Acts of the Fortieth Legislature, First Called Session as amended by Chapter 28, Acts of the Forty-first Legislature, First Called Session, as amended by Chapter 15, Acts of the Forty-second Legislature, Second Called Session by adding thereto a new section to be known as Article 1645a providing for county auditors in counties containing a population of not less than 19,150 nor more than 19,175 according to the last preceding Federal Census providing for their compensation and the fund from which it



shall be paid, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 23, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. J. R. No. 48, Proposing an amendment to Section 24 of Article III of the Constitution of the State of Texas, providing that Members of the Legislature shall receive a salary of Three Thousand (\$3,000.00) Dollars per annum, etc., and prescribing the form of ballot.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, April 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 91, "An Act amending Article 7005, of the Revised Civil Statutes of Texas, 1925, as amended by Acts of the Regular Session of the Forty-third Legislature, page 636, Chapter 213, including the Counties of Brooks, Carson, Culberson, Dallas, Deaf Smith, Dimmit, Grimes, Hansford, Hidalgo, Hudspeth, Hutchinson, Kenedy, Kleberg, Montgomery, Moore, Randall, Willbarger, Willacy, and Zapata, in the list of Counties exempted from the provisions of Title 121, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Austin, Texas, April 26, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 452, "An Act to amend Articles 6111, 6113, 6116, and 6122, Revised Civil Statutes of Texas of 1925, so as to provide that a special partner may contribute property as capital to the common stock of part-

nership limited; and that such special partner shall be liable for the debts of said partnership to the value he places on said property contributed; and also providing that the partnership limited may use in its firm name the word 'company', or any other general term, or the name of a special partner, provided such name is followed by the word 'limited', and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

#### SIXTIETH DAY

(Tuesday, April 27, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Felty
Adkins	Fielden
Alexander	Fox
Alsup	Fuchs
Amos	Gibson
Baker	Graves
Bates	Hamilton
Beckworth	Hankamer
Bell	Hanna
Blankenship	Harbin
Boethel	Hardin
Bond	Harper
Boyer	Harrell
Bradbury	Harris of Archer
Bradford	Harris of Dallas
Bridgers	Harris of Dickens
Broadfoot	Hartzog
Brown	Heflin
Burton	Herzik
Cagle	Holland
Carssow	Hoskins
Cathey	Howard
Cauthorn	Huddleston
Celaya	Hull
Cleveland	Hyder
Colquitt	Jackson
Davis of Haskell	James
Davis of Jasper	Johnson of Ellis
Davison of Fisher	Johnson
Davisson	of Tarrant
of Eastland	Jones of Angelina
Dean	Jones of Atascosa
Deglandon	Jones of Falls
Derden	Jones of Wise
Dickison	Keefe
Dollins	Keith
England	Kelt